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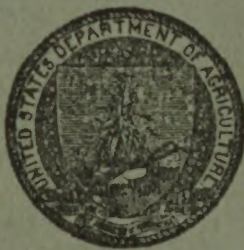
WILLIAM B. GREELEY, Forester

THE USE BOOK

A MANUAL OF INFORMATION ABOUT
THE NATIONAL FORESTS

GRAZING SECTION 1926

ISSUED BY THE
SECRETARY OF AGRICULTURE



WASHINGTON
GOVERNMENT PRINTING OFFICE

1926

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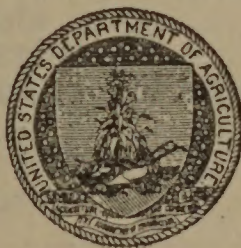
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THE USE BOOK

The Secretary * * * may make such rules and regulations * * * as will insure the objects of said reservations, namely, to regulate their occupancy and use and to preserve the forest thereon from destruction; and any violation of this act or such rules and regulations shall be punished [by \$500 fine or twelve months' imprisonment, or both] as is provided for in the act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States. (Act of June 4, 1897, 34 Stat., 35.)

The following regulations and extracts from the instructions covering grazing on national forest ranges are published for the information of the public.

W. B. GREELEY,
Forester.

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FOREWORD

National forests are open to all persons for all lawful purposes. The timber, water, pasture, and other resources are for the use of the people, and the minerals are open to exploitation. This book tells how the use of grazing resources may be obtained under reasonable conditions without delay.

Under authority imposed by Congress the Secretary of Agriculture has issued regulations for the protection and administration of the national forests, to the end that the fullest possible use of them, consistent with their proper conservation, may be made. Further information with regard to the use of the national forests may be obtained upon application to any forest officer. (See p. 77 for addresses of supervisors.)

Users of the forests are especially urged to assist in their protection by carefully observing the rules for handling fires, and by cooperating with forest officers in the work of discovering and extinguishing fires.

Persons who wish to make any use of the resources of a national forest for a permit is required should consult the nearest forest officer.

Twenty-five per cent of all receipts from national forests are given to the counties in which they lie, to be used for schools and roads. An additional 10 per cent is expended by the Secretary of Agriculture upon roads and trails constructed primarily for the benefit of settlers within the forests.

Regulations are printed in this type.

THE USE BOOK

GRAZING SECTION

USE OF NATIONAL FORESTS FOR GRAZING STOCK

The Secretary of Agriculture has authority to permit, regulate, or prohibit grazing in the national forests. Under his direction the Forest Service will allow the use of the forage crop as fully as the proper care and protection of the forests and water supply will permit. The cattle and sheep which are grazed in the national forests bear an important relation to the supply of beef and mutton in this country, and every effort will be made by forest officers to promote the fullest possible use of grazing resources. Careful plans will be made to distribute the stock on the range satisfactorily in order to secure greater harmony among the users of the forests, to reduce the waste of forage through unnecessary movements of stock, and to obtain a more permanent, judicious, and profitable use of the range.

The leading objects of the grazing regulations are:

1. The protection and conservative use of all national forest land adapted to grazing, under principles conforming to the natural conditions surrounding the forage resources.
2. The permanent good of the livestock industry through proper care and improvement of the grazing lands, under principles conforming to the requirements of practical operation.
3. The protection of the settler and established ranch owner against unfair competition in the use of the range.

It is expected that the stock owners will earnestly cooperate in carrying out the regulations.

There is no law which gives an individual or corporation the right to graze stock upon national forest lands. The grazing of such lands may be allowed by the Secretary of Agriculture only as a personal privilege. This privilege is a temporary one, allowable under the law when it does not interfere with timber production or watershed protection. It is transferable only within the limits and restrictions set forth in these regulations

Stock owners have been allowed to graze their stock upon the public lands of the United States under certain conditions of occupancy, residence, and ownership of improved land or water rights. This use, continued throughout a long period of years, has in the absence of congressional legislation become the accepted custom in many communities, even receiving the recognition of certain of the courts. It is allowed, however, only by passive consent of the United States. By force of the presidential proclamation creating a national forest, such passive consent ceases and is superseded by definite regulations issued by the Secretary of Agriculture under the authority of Congress. Grazing stock upon the forests, except in accordance with these regulations, is trespass against the United States.

Permits will be issued to graze a certain number of livestock in each national forest, or part thereof, so long as no damage is done by such stock. A reduction will be made from the number of stock grazed during the previous season if, owing to the number grazed or the method of handling the stock, damage is being done to the forest, and in extreme cases all stock will be excluded.

Except as provided under the regulation, all grazing permits are issued upon a per capita charge.

AUTHORIZATIONS

REG. G-1. The Secretary of Agriculture in his discretion will authorize the grazing of livestock upon the national forests under such rules and regulations as he may establish.

The Forester will prescribe the number and class of stock to be grazed on any national forest, on which grazing has been authorized by the Secretary.

Grazing Authorizations.

The grazing of any class of stock upon any part of a national forest is allowed under authority of the act of June 4, 1897, by the Secretary of Agriculture, whose regulations govern the use of public lands within the national forests (and are supreme, even though the State law is in conflict with them). When not in conflict with the Federal law or regulations, the State law is binding.

Authorizations based upon carrying capacity.

The authorization for each forest will be based upon the most reliable carrying capacity estimate obtainable. Within the discretion of the district forester, carrying capacity may be expressed in terms of animal months. Such a figure will be equivalent to the number of animals allowed on any given range, multiplied by the average length of season.

As a general rule, the carrying capacity of a range or forest is the number of animal months of feed available during a normal year when utilized to the extent that from 10 to 25 per cent of the palatable vegetation is left at the end of the season and approximately 25 per cent of the palatable species, evenly distributed over the area, is allowed to reach seed maturity.

In cases where the carrying capacity has not been previously determined to a fair degree of accuracy by reconnaissance or actual use by stock, extreme care is to be exercised in its determination. This estimate will, so far as possible, be based upon the normal season. The number of stock should in every case be low enough to prevent damage to the forest. In regions subject to severe drought, the estimated carrying capacity should be low enough to allow a safety margin of at least 10 per cent.

Lands not considered in carrying-capacity estimate.

In preparing estimates the supervisor will not consider the carrying capacity of the following classes of land:

Patented lands of any character.

Subsisting mining locations.

Forest land closed to grazing.

Entries under United States land laws.

Indian allotments.

State lands granted or selected under acts of Congress.

Surveyed and selected railroad lands within either the primary or indemnity limits or other selections provided for by law.

Subsisting squatter's claims.

Authorizations on new forests or additions.

When forests are created or additions made after the beginning of the grazing season the Secretary of Agriculture, except under unusual circumstances, will authorize the grazing use of the area free of charge and without permit until the beginning of the next grazing year, by all persons who have regularly used the range during preceding years for any class of stock. With this exception the grazing regulations will thereafter be fully applied and the area administered as other national forest land. If necessary for the proper control of grazing upon newly created forests or additions, the supervisor may issue herders' identification cards to persons who show priority in the use of the range, retaining a record of each card.

When grazing lands are acquired under the act of March 1, 1911 (Weeks law), the supervisor should not issue permits prior to the formal notification to assume control of the lands.

APPLICATIONS AND PERMITS

REG. G-2. Every person must submit an application and secure a permit in accordance with these regulations before his stock can be allowed to graze on a national forest, except as hereinafter provided and unless otherwise authorized by the Secretary of Agriculture. The Forester, may authorize the issuance of grazing permits for a term of years within a maximum of 10 years. A term permit shall have the full force and effect of a contract between the United States and the permittee. It shall not be reduced or modified except as may be specifically provided for in the permit itself, and shall not be revoked or canceled except for violation of its terms or by mutual agreement. The grazing regulations shall be considered as a part of every permit.

The few head of livestock in actual use by prospectors, campers, and travelers, or used in connection with permitted operations on a national forest, or not to exceed 10 herd of milk, work, or other animals owned and used for domestic purposes by bona-fide settlers residing within or contiguous to a national forest may be allowed to graze free, under such restrictions as the Forester may prescribe.

All stock grazed under paid permit on national forests must be actually owned by the permittee.

Exempt Animals.

Within the limits established, the 10 head of milk, work, or other animals used or to be used for domestic purposes may include horses, cattle, hogs, goats, or sheep kept for providing the families of settlers with food. A settler owning only 10 head or less of stock which are neither milk, work, nor animals kept for domestic purposes will be required to apply for a permit and pay the grazing fees, while a settler who resides within or contiguous to a forest owning any number of stock may be allowed to graze 10 head of such exempt stock free of charge, if used for the purposes above noted.

Stock allowed to graze free will be subject to all the restrictions imposed on stock for which fees are paid. The supervisors may refuse free grazing where other forest interests are being injured. He may also, in his discretion, require all free stock to be covered by permit.

Transportation Companies.

Where persons, corporations, or transportation companies are grazing large numbers of animals which are used regularly in transporting travelers or freight within national forests, the stock must be covered by paid permit.

Whenever it is necessary to close areas for the accommodation of traveling public and issue permits to persons, firms, or corporations engaged in the packing business, such permittees need not possess the qualifications required for regular grazing permittees but may be required to possess such other qualifications as the supervisor may deem necessary to provide adequately for the traveling public.

Special Concessions to Indians.

Special concessions may be made by the Forester to Indians who are enrolled upon the records of the Office of Indian Affairs and who are dependent upon national forest ranges for the pasturage of their stock. Such concessions will not apply to intermarried white persons. In all cases where it appears that concessions should be made to Indians a report will be made by the supervisor to the district forester, in duplicate, who will forward a copy of the report to the Forester with suitable recommendations.

Notice to Public.

Publicity will be given each year to the grazing allowances, periods, fees, date for receipt of applications, and other information needed by range users by means of news items, circular letters, or posters.

Notification of Permittees.

All persons who held permits during the previous year will be notified of the date upon which applications for grazing permits must be filed with the supervisor. After the initial permit is issued no new application for a term permit will be required until the beginning of the next term-permit period.

Application should be complete.

All applications for grazing permits must be submitted on forms furnished by forest officers, and the information necessary to complete the application must be furnished in detail. Forest officers should require that every question contained in application forms be answered by the applicant, either affirmatively or negatively. The information required to complete the forms serves as a basis for the apportionment of grazing privileges and constitutes an essential record maintained by the Forest Service. All statements should be complete and should be checked and verified.

Applications covering two classes of stock.

Where an applicant desires to graze two classes of stock on a single forest, one application may be submitted including both classes, and a cross reference made in the supervisor's files.

Statement of ownership.

Since an applicant is classified by the total number of stock he owns or expects to purchase, the application should be filled out accordingly.

Certified or sworn statements.

The supervisor may require an applicant to appear personally before him and answer all questions regarding his application, or he may require the applicant to submit a sworn statement with his application setting forth all material facts. The penalty for false statements of essential facts should be the refusal or revocation of permit, as provided by Regulation G-19. Personal appearance should be required only where complete data can not be secured by some less expensive means.

Under the same authority any permittee may be required to submit for inspection all books, papers, and records pertaining to the purchase, sale, or ownership of any livestock grazed under permit or for which an application is filed for a permit by any individual, partnership, or corporation. Such information shall be considered as confidential unless the interests of the United States require its use in court proceedings. (See p. 28, List of stockholders.)

Applications covering stock to be purchased.

An applicant who does not own the stock for which permit is desired but whose prior use of the range entitles him to consideration may secure a grazing permit on his certification that the stock will be purchased. Satisfactory evidence of legal title to the stock will be required before it is allowed to enter the forest. (See New Class A Applicants, p. 31.)

When applications for permits are made to graze stock which are to be purchased, a statement to that effect will be made on the application.

Marks and brands of stock.

If the application shows that the stock to be grazed bear marks or brands not recorded in the name of the applicant or known to be his property, proof of the actual ownership of such stock will be required before the application is approved.

If the stock actually placed upon the forest is not marked or branded as shown in the permit or with a mark or brand known to be the property of the permittee, the permittee should immediately be required to submit acceptable proof of ownership or else to remove the stock from the forest.

Final date for receipt of applications.

Applications must be received, range allotments made, and permits issued before the beginning of the grazing season. This

necessitates fixing a date sufficiently in advance to enable the supervisor to complete the work of issuing the permit. The date having been widely published, it will be assumed that the applications on file that day represent all applicants for the use of the forest range entitled to consideration, and the supervisor may proceed to allot the grazing privileges.

Action on applications after final date.

The applications having been acted upon and the notices of approval forwarded, no changes will be made to accommodate persons who failed to file their applications in time, unless their failure was caused by circumstances which, in the supervisor's opinion, warrant a readjustment of range allotments. Negligence or failure to exercise ordinary diligence will not be considered a satisfactory reason for the approval of an application after the date set.

In case the total number of any kind of stock applied for before the date which has been set does not equal the number authorized to graze on the forest, late, supplemental, or new applications may be approved at any time until this number has been reached.

Method of approving applications.

The supervisor will immediately notify the applicant of the approval of his application by a letter of transmittal (Form 861-G) showing the number of stock for which the application has been approved, the period, and the fees to be paid.

Form 861-G for term permits will designate the year for which payment is to be made, thus: "Term permit, first year."

Applications may be amended, supplemented, temporarily canceled, approved, or disapproved.

Method of disapproving applications.

When a grazing application is either wholly or partially disapproved, the supervisor will notify the applicant by letter, giving the reason for his action.

Special rules or stipulations must be incorporated in permit.

A digest or summary of any special rules which have been approved by the forest supervisor or district forester under authority of Regulation G-18 may be incorporated in each permit, or furnished each permittee allowed to use the range within which the rules are effective.

The same action must be taken concerning any other requirements, stipulations, or limitations which the district forester may direct the supervisor to place thereon.

Association Permits.

Whenever a live stock association recognized under Regulation G-18 desires to submit an application, the district forester may, in his discretion, authorize the supervisor to issue an association grazing permit covering all the stock that the association members would be entitled to graze upon the range.

The qualifications of the individual owners of the stock involved in an association permit will be determined by the forest supervisor in accordance with the instructions under the various regulations, and such stipulations incorporated in the association permit by the supervisor as will secure faithful compliance with the regulations by each owner.

Any owner will have the right to appeal in the usual manner from any decision affecting him.

The association will pay the grazing fees.

Permits do not authorize grazing on private land.

Persons holding permits for ranges which embrace patented lands or valid claims under the homestead and mineral laws should, if necessary, be warned that the permits issued by the Forest Service do not grant authority to graze stock upon any except national forest lands and that the use of private lands and valid claims must be with the consent of the owner or claimant.

The government is not responsible for the intrusion of permitted stock upon private lands. Controversies between the owner of the stock and the owner of the land must be settled in the State courts under the State laws.

Authorization for term permits.

The Forester will authorize the issuance of term permits on such forests, or for such portion of the authorization on each forest, or for such districts of a forest, as in his opinion may be justified by the conditions.

When there is doubt regarding the number of stock which may be provided for permanently on any forest without injury to the range, the issuance of term permits will be deferred until such investigations have been concluded as may be necessary to determine the facts, or restricted to such number of stock as in the meantime can be grazed with safety. Although term permits are subject to reduction when necessary to prevent damage to the forest or range, wherever possible, it is important that needed reductions on overgrazed ranges be made before the issuance of term permits.

Term permits, definition of.

A term permit is a permit for a period of years. It is subject to limited reductions only. (See p. 30.) Term permits will be considered as beginning with the opening of the grazing period the first year the permit is effective and ending with the close of the grazing period the year the permit expires.

Term permits are binding contracts between forest officers as representatives of the United States and the persons to whom the permits are issued. They can not be modified or revoked except as is provided by their stipulations or by mutual agreement. In order that a clear understanding of its terms may be had, a special clause will be inserted in the permit, as follows:

“This permit is a binding contract between the permittee and the United States. It can not be revoked or canceled except for violation of its terms or by mutual agreement. The number of stock specified herein can not be reduced more than (— per cent for distribution purposes and) — per cent for all purposes during the term specified.¹

Term permits will be issued for a period of ten years beginning with the calendar year 1925. Term permits issued after the calendar year 1925 will continue for the unexpired portion of the term permit period.

Application for Term Permits, Approval.

When authorized by the Forester applications may be approved for permits for a period of years. On forests where the issuance of term permits has been approved, applications for such permits received subsequent to the initial year will be approved for the unexpired portion of the period so that all term permits on that forest will expire the same year.

Applications for term permits will be made on form 879 or form 925 (G-4) as the case may require.

Applications for term permits will be approved only for applicants holding established grazing preferences and owning commensurate ranch property, or for fully qualified new applicants, or in exchange for the use of private lands. (Reg. G-4.)

In the event the authorization for a forest is not sufficient to provide for all established preferences and fully qualified new applicants or for increases to small owners, the applications from qualified class A permittees for either annual or term permits will be approved first. The applications of qualified class B applicants may then be approved for either annual or term permits for the remainder of the authorization.

¹To be used where authority to make reductions is retained.

Issuance of Term Permits.

The procedure in issuing term permits for the first year of the period will be the same as for annual permits. Form 656 will be used.

Term Permits Validation, and Continuation of.

For succeeding years of the period, on receipt of notice that the fees have been paid, the supervisor will advise the permittee that his term permit is validated and continued in force and effect for the grazing season by the use of a rubber stamp as follows: "This receipt validates your term permit for the ensuing season as shown on this form, which is made a part of your term permit."

In case a permittee owns more stock than the number for which his application can be approved, permit or validating letter of transmittal may be withheld till he makes a satisfactory showing that the excess stock will not be allowed to trespass on the forest.

Changes in Term Permits.

Term permits should ordinarily stand for the entire period. Changes in number of stock or grazing periods will be shown in the letter of transmittal which will become a part of the permit and govern in these matters. Any other changes necessary during the term period will be taken up with the permittee by letter. No change, however, will be made unless it is essential to the protection of the forest. In the event a change is made any equity in range improvements will be safeguarded to the fullest extent consistent with good forest administration. (See Reductions, p. 29.)

Class A term permittees grazing less than the protective limit may file amended applications, covering an increased number of stock.

If during the period it becomes necessary to make changes in the range ordinarily allotted to the permittee, the supervisor will notify the permittee in advance of any changes by letter.

Herder's Identification Card

The owners of stock which is kept under herd upon the national forests may be furnished with cards (Form 976) for the identification of their herders by forest officers.

ON-AND-OFF PERMITS

REG. G-3. Persons owning stock which will graze on range, only part of which is national forest land, may be granted permits for such portions of their stock as the circumstances ap-

pear to justify, but may be required so to herd or handle their stock as to prevent trespassing by that portion for which a permit is not granted.

Objects of regulation.

This regulation is designed solely to provide for cases where only part of a natural range unit is national forest land, and where the economical use of the entire unit can be secured only by the utilization of the forest land in connection with the other land. The regulation contemplates a movement of the stock, governed by natural conditions, between the forest range and the adjoining outside range or between forest land and intermingled private land. Only under such conditions should an "on-and-off" permit be granted.

Outside Range Must Be Part Of Natural Unit.

The "on-and-off" privilege should not apply to lands not dependent upon or related in their use to the forest lands. Permits should be issued only on the basis of the natural unit partly included within or dependent upon the forest. For example, if a person grazes 1,000 cattle on a range of which one-fifth is a natural unit containing one-half forest land, his permit for 100 head of cattle should provide for the grazing of 200 cattle on range 50 per cent forest land, and not to the grazing of 1,000 cattle on range 10 per cent forest land.

Where occupancy of forest lands is continuous and not intermittent, the district forester, if he considers such action advisable, will establish short grazing periods and require payment for the full number of stock grazed upon forest land.

Conditions Warranting Issuance of On-and-off Permits for Sheep and Goats.

"On-and-off" permits for sheep or goats may be issued for portions of the range along the forest boundary not sufficient in area to support a band of sheep or goats during an entire established grazing period, which can only be utilized in connection with the adjoining outside range. Where portions of the outside range can only be used to advantage in connection with watering places located within the national forest, "on-and-off" sheep or goat permits may be issued.

On-and-off Private Lands.

Sometimes the ownership of private land within a national forest is unknown, as the owner does not object to its use without compensation or lease. In such cases permits may be issued for the adjoining range under the provisions of this regulation and the grazing fees paid only on the stock which will be grazed upon national forest land, but the permittee must agree to re-

move all stock in excess of the number covered by the grazing permit if deprived of the use of the private lands by the owners or lessees thereof.

When Applicant Controls Over Half of Allotment.

Where more than one-half of the land comprising the range allotment is controlled by the applicant, ordinarily an "on-and-off" permit may be issued. The waiver of exclusive use of unfenced private land is not necessary unless the interests of the Government especially demand it.

Issuance of Permit.

The permit will be issued only for the proportionate number of animals which will use forest range during the season, but will contain the following proviso: "This permit is issued with the understanding that — head of — will be grazed on range, — per cent within the national forest and — per cent outside. It is further understood and agreed that if the permittee allows a greater number of stock belonging to him than is herein provided for to graze upon the foregoing range unit of which the national forest is a part during the period this permit is in effect, the 'on-and-off' clause shall immediately become null and void, and the grazing upon national forest lands of a number of stock in excess of that upon which grazing fees have been paid shall be considered as a grazing trespass and treated accordingly."

All permits of this class should be plainly marked: "On-and-off permit." Only the number of animals upon which fees are charged will be counted against the number authorized by the Secretary of Agriculture, but in determining the permittee's status or class the total number will be considered.

Term permits may be issued for "on-and-off" stock, but should conditions change in any year, the supervisor will adjust the number of stock to meet the changed conditions and amend the permit by a letter to the permittee.

PRIVATE GRAZING LANDS WITHIN NATIONAL FORESTS

REG. G-4. Persons who own or have leased unfenced lands within any national forest, and who agree that the United States shall have exclusive possession of such lands, may secure permits allowing them to graze upon national forest land free of charge the number of stock which the private lands will support, provided such an exchange will not be disadvantageous to the Government. Such permits will be subject to the same restrictions regarding the use of the range as permits issued under other regulations.

Purposes of Private Land Regulation.

It is the purpose of this regulation to give owners or lessees who desire to waive the use of their unfenced private land within the forest for grazing purposes an equal amount of usable forage on Government land and to provide a means by which ranges containing private lands can be most advantageously used.

There is no legal obligation on the part of the Government to issue permits under this regulation. Forest supervisors should decline, therefore, to issue permits where (1) the class of stock is objectionable for silvicultural or other reasons, (2) where any grazing will injure watershed or other forest resources, and (3) where the owner or lessee has demonstrated his unwillingness or inability to observe grazing requirements.

The owner or lessee, however, has a legal right of ingress and egress to his land for lawful uses and is entitled to a crossing permit under Regulation G-5. In the event that trespass occurs on or any damage is done to national forests in connection with the use of private land, immediate action should be taken under the trespass procedure.

Ownership of Stock.

Stock grazed under this regulation need not be owned by the person or persons to whom the permit is issued.

Crossing to Private Lands.

Permits to cross a national forest with stock which will be kept upon private lands, the owners or lessees of which do not desire to waive the right to its exclusive use, will be issued under the provisions of Regulation G-5.

Grazing of Sheep and Goats.

The privilege of grazing sheep and goats upon national forest lands under this regulation will be allowed only upon such ranges as are open to this kind of stock.

Subject to Special Rules.

Owners of stock grazed under this regulation must comply with any special rules issued under Regulation G-18, and must pay annually their proper pro rata charge during the period in which the association is allowed to collect reimbursements for improvements constructed under the provisions of that regulation.

When Advantageous.

In the issuance of permits under this regulation it is intended that the Government will be compensated for the use of the forest lands by equivalent use, through stock under paid permit,

of the private land to which the right of exclusive use has been waived. When the private lands are so situated and of such character that they will not be occupied by stock upon which fees have been paid to an extent approximately equal to the occupation of forest lands by the stock under free permit, the Government will not be adequately compensated for the use of its lands, and the exchange should not be made.

Determination of Status.

Before issuing permits under this regulation the supervisor must determine that the title of the land has passed from the United States and that the applicant has the right to its use. Where copies of leases are not available, copies of correspondence, receipt for fees paid on leases or other satisfactory evidence may be accepted in lieu of a copy of the lease. No grazing preferences will accrue through use of the national forest under this regulation.

Allowances for Private Lands.

The following rules will govern grazing allowances on account of unfenced private land within the exterior limits of national forests when it is desired to allow the use of national forest lands upon a waiver of the exclusive use of private land.

Unperfected entries.—Bona fide settlers who have made homestead entries but have not yet made final proof may be allowed free permits for grazing upon national forest lands the number of animals their lands will support.

Persons who have filed upon lands within the national forest under laws not requiring residence may be allowed free permits for grazing upon national forests the number of stock their unfenced lands will support after they have made final payment for the land.

Indian allotments.—Owners or lessees of Indian allotments may be allowed permits for grazing upon national forests the number of animals the land will support, provided that patent has issued or a lease has been executed upon the blanks of the Indian Office and approved by the Commissioner of Indian Affairs.

Mining claims.—Persons holding unpatented mining claims within a national forest have the right to the grass or other forage upon such claim needed for stock used in connection with the development of the claims, but they have no right to dispose of the forage to any other person or to collect rental for the use of the claims for grazing purposes. Such unperfected mining claims, therefore, can not be accepted as the basis for a permit under this regulation.

Squatters' claims.—Bona fide squatters upon unsurveyed lands may be allowed permits for grazing the number of animals their

claims will support, provided no claim exceeds 160 acres. No conflicting claims will be recognized until their status has been determined by the Department of the Interior.

State selections.—Persons who have applied to purchase or who have leased from a State any lands which have been selected under authority of an act of Congress, and the lists of which have been filed with the Commissioner of the General Land Office but have not been approved, will be allowed the use of these lands for grazing purposes pending final action upon the validity of the selections.

In permits based upon the right to the use of unapproved State selections the following clause should be inserted:

“And provided, That the issuance of this permit gives no right to the use of the above-described lands except for grazing purposes. In case the selection made by the State is disapproved, this permit shall thereafter be null and void.”

Railroad lands—Surveyed or selected.—Surveyed railroad lands within the primary limits of a grant are acceptable as the basis for the issuance of free permits under this regulation. Lands selected by the railroad company within the indemnity limits of a grant are not acceptable until after the selections have been approved by the Secretary of the Interior.

Unsurveyed railroad land.—The use of unsurveyed, unselected lands within the primary and indemnity limits of railroad grants will be allowed only in accordance with the grazing regulations under regular paid permits.

Term Permits in Exchange for Private Lands.

On forests where the issuance of term permits has been authorized, G-4 permits for the term period may be issued in cases where the owners or lessees of the lands involved waive the right to the exclusive use of the private land for the same period and where the carrying capacity of the private land has been accurately determined.

CROSSING PERMITS

REG. G-5. Persons wishing to drive stock across any portion of a national forest for any purpose may be required to secure a crossing permit. The Forester in his discretion may authorize the issuance of permits free of charge or may establish a charge for crossing privileges.

Purpose of the Crossing Regulation.

This regulation is for the purpose of allowing a reasonable movement of stock across national forest lands for any legiti-

mate purpose, but under controlled conditions that will insure that the crossing privilege is not abused and does not result in damage to forest lands or other related interests.

When Issued.

In the discretion of the forest supervisor, all persons wishing to drive stock across any portion of a national forest for any purpose must secure a crossing permit.

When Refused.

Crossing permits may be refused when there is danger of injury to or contamination of the domestic water supply of a city or town, injury to or interference with main established highways, of areas being artificially reforested or other forested areas of exceptionally high fire danger during a period of bad fire weather, or under any other conditions where possibilities of loss or injury are such that the privilege may properly be denied.

Driveways Established by Supervisors.

Whenever it appears necessary for stock to cross regularly any portion of a national forest and undue injury to other interests will not result, the supervisor may establish suitable driveways.

The driveway should be as short and as easy of passage and access as the character of the country and the protection of other interests will permit. It should be established with care for the interests of permittees using adjoining ranges.

Quarantine Requirements.

It is absolutely essential that persons crossing stock comply with the regulations governing the national forests and with the quarantine regulations prescribed by the Secretary of Agriculture and the State authorities. Unless they do so the privilege may be denied them, but the condition of stock as to contagious or infectious diseases will be determined by the proper Federal or State authorities. Compliance being assured, and if the privilege will not expose the national forest to damage or the regular permittees to financial loss, the permit should be issued without delay and with the fewest possible restrictions.

Classification of Crossing Permits.

Crossing permits will ordinarily not be required when the period of crossing is short, when the stock will be driven along a public highway and will not be grazed upon national forest land, or, when such crossing will not interfere with national forest administration or other related interests.

Free crossing permits.—Free crossing permits will be issued under the above circumstances when good national forest ad-

ministration or the protection of other related interests does not make the issuance of permits objectionable and when the crossing period is not over five days.

Charge crossing permits.—Charge crossing permits will ordinarily be required under all other circumstances, except in the case of grazing permittees whose use of national forest lands for crossing purposes under charge conditions can be provided for in connection with the established grazing seasons.

Basis of Charge When Made.

Charges under this regulation will be computed in accordance with the instructions under Regulation G-10.

Driveway Limitations.

Forest officers should endeavor to provide, within the limits of the regulations, for the full use of driveway privileges consistent with the best interests of the forest and the livestock industry. Where the demand for crossing privileges is in excess of what can be allowed without injury to the forest or the dependent livestock industry, limitations on stock permitted to cross the forest will be established.

Priorities.

Where driveway or other limitations require the establishment of priorities, the following classification should be observed: (1) Stock under forest permit; (2) stock to be grazed on owned or leased land within the forest; (3) stock not under permit that must be driven across the forest to market or to other range in order to avoid imposing a serious hardship upon the stock or the owners; (4) stock not under permit that are to be moved to market or to a different range, but that could be moved by rail or by a pifferent route than across the forest without working a serious hardship upon the stock or the owners; (5) stock not under permit whose owners desire to move them across forest land en route to other feed grounds as a matter of convenience rather than necessity or for the obvious purpose of gaining feed en route.

Procedure.

Applicants for crossing privileges must make their applications to the supervisor or such other officer as he may designate, sufficiently in advance of the date when such privilege is to begin to enable the forest officers properly to handle the details of the business. The application must state the number of stock to be driven, the date of starting, and the period required for crossing.

Before issuing a permit to reach private land, the forest officer; may require a written statement of ownership of the land or a copy of the lease thereof.

Applications for crossing permits may be made either in person or by letter, and the permits issued to either the owner or person in charge of the stock.

Crossing to Private Lands.

If the land is uninclosed and the applicant does not desire to waive the right to its exclusive use, the stock must be so handled that the animals will not intrude upon adjoining forest areas.

Crossing to Shipping Points.

If a shipping point within a national forest is the only one reasonably accessible to persons grazing stock outside, the supervisor may allow crossing privileges under such restrictions as are necessary to protect the interests of regular permittees.

PROTECTIVE, EXEMPTION, AND MAXIMUM LIMITS

REG. G-6. For purposes of equitable distribution, the stabilization of the stock industry, and the prevention of monopoly, the Forester may authorize the establishment of protective, exemption, or maximum limits in numbers of stock for any area or areas.

The protective limit is the number of stock for which the permits of class A owners of improved farms devoted to the production of diversified crops or those who otherwise meet class A qualifications will be exempt from reduction in their renewal, except when sufficient reductions for range, forest, or watershed protection can not be made on preferences in excess of the protective limit.

The exemption limit is the number of stock below which the preference of no owner of dependent commensurate ranch property used primarily for the production of livestock will be reduced for purposes of distribution.

The maximum limit is the number of stock above which an increase in preference to any person, firm, or corporation may be refused. Maximum limits will apply with equal force and effect to preferences covering livestock the possession of which may be transferable under a lease, option, contract of purchase, or other form of agreement. The Forester may authorize the district forester to suspend the maximum limit or apply it to equitable interest in special cases.

Limits, How Computed.

A permittee's status as to either protective, exemption, or maximum limits will be determined by considering all classes of stock. For example, if the established maximum limit for a forest is 200 head of cattle or 2,000 head of sheep, a permittee grazing 100 head of cattle (50 per cent of the maximum limit) and 500 head of sheep (25 per cent of the maximum limit) under permit could not by purchase and waiver increase his preference by more than 25 per cent of the maximum limit for cattle or 25 per cent of the maximum limit for sheep. In other words, the percentages when combined may not exceed 100 and come within the limit considered.

Protective Limits—General Purpose.

Protective limits, in the absence of exemption limits, define the maximum number of stock that an individual, partnership, or corporation can own and be in class A. A protective limit is designed to provide the number of stock that can be handled at a profit as a subsidiary farm enterprise and contribute its proper share toward maintaining the productivity of a farm devoted to diversified crops.

How Determined.

Because of differences in dependency between communities, the district forester may establish different protective limits for the same range unit. The protective limit will usually be fixed at the average number needed to maintain a diversified farm and livestock operation. The conditions existing in the locality will be given consideration in preference to computations of operating expenses, investments, and profits.

Exemption Limits.

There are localities where the numbers of permittees is so large in relation to the amount of range available that the average number owned by the permittees is very small and a very low protective limit is advisable. Yet within these same localities there are ranches devoted primarily to the production of livestock and often unsuited to diversified farming. In such cases an exemption limit may be established. It should ordinarily be figured at the number which will constitute an economic unit or herd of stock. An economic unit or herd of stock is the smallest number that can be run at a reasonable per capita cost and in accordance with good livestock and range management.

An exemption limit will be established wherever needed to prevent inequitable reductions in herds operated on dependent and commensurate ranches devoted primarily to livestock production, unless the same purpose is served by the protective

limit in that range unit. Where both stock ranches and diversified farms are dependent upon the national forest range, both limits will be established, the exemption limit applying to the former and the protective limit to the latter.

While no reductions for distribution may be made on preferences below the exemption limit where commensurate and dependent land is owned, reduction for protective purposes may be made, though not ordinarily until all preferences over the exemption limit have been reduced to it. Increases in preferences between the protective and exemption limits will be allowed only by purchase under the provisions of Regulation G-9, or by grant where there is surplus range.

Maximum Limits—General Purpose.

Where necessary to prevent monopoly, maximum limits will be established by the district forester by districts, forests, or groups of forests. They should not be so low as to restrict sales in permitted stock unnecessarily nor so high as to restrict unduly the distribution of grazing preferences. The maximum limit will ordinarily be from four to eight times the exemption limit, or the protective in the absence of an exemption limit, but should not usually be higher than the largest preference. The economic requirements of the locality will be given due consideration in establishing the maximum limit. Maximum limits apply only to established preferences and may be suspended by the district forester in special cases.

The maximum limit does not apply to permits issued under Regulation G-4 or to permits issued under a cooperative agreement with a State, corporation, or other large owner of land.

Membership in Firms or Corporations.

In order to prevent monopoly, the total number of stock permitted to a firm or corporation is charged to every member thereof. This principle will apply to any new firms or corporations applying for grazing privileges which include in their membership any members of a firm or corporation or any other persons who already hold grazing permits.

For all purposes of permanent allotment each member or stockholder of a firm or corporation will be considered as holding a permit to graze the full number of stock covered by any and all grazing permits issued to such firm or corporation. This shall also apply to stockholders of any corporation not itself the holder of a grazing permit but which owns or acquires shares of stock in another corporation holding a grazing permit, unless otherwise specifically authorized by the district forester. The

individual permit of a person who acquires an interest in the permit of any firm or corporation will be subject to reduction in its renewal when the combined number of stock covered by all permits in which the person is interested exceeds the maximum limit.

Under the authority given the district forester in the above paragraph, the instructions may be waved in special cases where it is evident that legitimate business transactions can be facilitated without departing from the spirit of the regulation and the instructions. For example, to perfect economy in operation and efficiency in management, an executive of high ability may be selected as a manager of more than one company. Under existing charters or corporation law the executive is required to hold a small number of shares in the corporations. In such a case, it might easily be shown that there was no intention to violate the spirit of the regulation and that strict adherence to the instructions would prevent good business practice. The burden of proof, however, that the case falls within a class for which exception should be made will rest upon the applicant.

Partnerships or Corporations as New Applicants.

Grazing permits will not be issued to new firms or corporations when their members or stockholder hold permits to graze numbers of stock which combined exceed the maximum limit established for the forest. The consolidation of permits will not be allowed when the combined number of stock is greater than the maximum limit. (See Pooling of interests, p. 27.)

In renewing or validating a permit to a corporation, a reduction will be made in the number of stock by which the combined permits exceed the maximum limit if, subsequently to the issuance of its last permit, more than 20 per cent of its capital stock has been transferred to or purchased by any person, persons, firm, company, association, or corporation holding one or more permits, or interested therein in any manner, as through ownership of shares of stock in any company, association, or corporation holding such permit or permits for a number of stock which, combined with the number applied for, will exceed the maximum limit.

Term Permits, Maximum Limits.

No term permit will be issued for a number of stock in excess of the established maximum limit for the forest or district of a forest except where grazing preferences have been established for more than the maximum limit and are supported by commensurate ranch property.

Equitable Interests.

An equitable interest in permitted stock is acquired usually through loans, and it occasionally happens that the equitable interest absorbs all but naked legal title to the stock. The application of the maximum limit to equitable interests should be made only in special cases when the holder of the equitable interest is getting some or all of the profit accruing from grazing the stock on the forest to an extent beyond a fair interest rate on the money he has loaned to the permittee and the livestock, in effect, has been taken over by the loaning agency. The district forester may apply the maximum limit to equitable interests.

Changes in Protective, Exemption, or Maximum Limits.

When these limits have been established by the district forester in accordance with the principles in the foregoing instructions, no change should be made until it is clearly evident that economic conditions justify it. Such changes should be made only at the close of a five-year period of a term permit.

PREFERENCES

REG. G-7.—For the purpose of contributing to the stability of the livestock industry and making the forage resources of the national forests of the greatest value, the Forester shall provide for the recognition of preferences in the use of national forest ranges and the renewing of permits to an extent consistent with the prevention of monopoly and with the principle of a reasonable distribution of grazing privileges.

Persons who are full citizens of the United States shall be given preference in the use of national forest ranges over other persons.

The following classification of applicants for grazing privileges is hereby established:

Class A.—Persons owning and residing upon improved ranch property which is dependent upon the national forest, and who are owners of not more than the established exemption limit number of stock, or the protective limit number in the absence of an exemption limit.

Class B.—Prior users of national forest range who do not own improved ranch property, and persons owning such property who own stock in excess of the established exemption limit, or the protective limit in the absence of an exemption limit.

Class C.—Persons who are not regular users of national forest range and who do not own improved ranch property. This class can not acquire an established preference in the use of national forest range.

No Legal Rights in National Forest Range.

A preference may be acquired in the allotment of grazing privileges, but no legal right will accrue to the use of national forest range. This preference does not entitle the holder to continue use of a certain part of forest but only to a preference over other applicants less entitled to consideration in the use of the range open to a given class of stock.

"Preferences" and "Permits."

A grazing preference entitles the holder thereof to special consideration over other applicants, but to no consideration as against the Government. The holder of the preference is a preferred applicant. Grazing preferences run on year after year, indefinitely until canceled or revoked. A grazing permit is a document authorizing the grazing of livestock under specific conditions. It expires at a certain stated date. The terms "preference" and "permit" are not synonymous.

Aliens.

All foreign-born persons who have not yet secured their final or second papers of citizenship shall be considered as aliens within the meaning of these instructions.

New applicants who are not full citizens in conformity with the naturalization laws of the United States may be allowed to share in the use of national forest ranges, provided they meet all requirements of commensurate ranch property, stock, and other qualifications imposed upon citizens of the United States.

Permits issued to such alien applicants prior to their securing full citizenship shall remain temporary, and no preference shall be recognized as accruing to any alien from three years' use of the range under temporary permit.

No properly qualified citizen of the United States will be denied a permit or be subjected to a reduction in permit number to provide range for an applicant who is not a citizen of the United States.

A corporation will not be given citizenship preference in the use of national forest ranges unless 80 per cent of its capital stock is owned by persons who are citizens.

How Preferences are Acquired.

Preferences may be acquired in the following ways:

(a) By prior use and occupancy of lands included within a national forest.

(b) By local residence and ownership of commensurate ranch property dependent upon the range.

(c) By the renewal of a permit formerly held by a copartnership or corporation to each individual member for a number of stock equal to his share in the original permit, or by the pooling of preferences.

(d) By the purchase of a permittee's stock or ranches, or both, under circumstances justifying a renewal. (Reg. G-9.)

(e) By inheritance of a permittee's stock or ranches, or both, under circumstances justifying a renewal of the permit. (Reg. G-9.)

(f) By regular use of forest range under temporary permit for three consecutive years, and ownership of improved ranch property commensurate with the total numbers of stock grazed, in the discretion of the forest supervisor.

For convenience in recording on card Form 621 and for reference in correspondence preferences will be arranged in three classes: (1) Prior use, (2) grantees, (3) purchasers.

Order of Preferences.

Preferences will be considered in the order stated in the regulations. Where a close decision becomes necessary between applicants of the same class, the forest supervisor will approve the application of the better qualified applicant first.

Prior Use.

The use of a range during its open season for several successive years before the creation of a forest, and under continued grazing permit thereafter, is what is meant by "prior use" and "regular occupancy." So far as is consistent with other conditions, preference will be given to those who have continuously used the range for the longest period.

Grantees.

Grantees are permittees who have been recognized as new applicants since the creation of a forest and whose preference in the use of the range has been secured by granted permits from the Government rather than prior use or the purchase of permitted stock.

Purchasers.

Purchasers are permittees who have purchased a permittee's stock or ranches, or both, or have secured stock and ranches through inheritance.

New Forests and Additions.

During the first season after the creation of a new forest or addition, grazing preference shall be allowed on the basis of prior use and occupancy. Bona fide class A settlers may be recognized as new applicants. With this exception permits will

be restricted to those stock growers who submit proof of previous use and occupancy during at least two consecutive years. Within this limitation the number of years of prior use necessary will be determined by the district forester. No permits should be granted for a number of stock larger than the average number grazed by the applicant during the two or more years preceding the establishment of the forest, except in case of a class A user.

In determining whether one is entitled to consideration on account of prior use, ordinarily credit shall not be given for the use of land except for the period during which it was in Government ownership.

Commensurability.

Preferences based on prior use may not be supported by commensurate ranch property; or permittees who were admitted because of purchase or by grant and who have commensurate and dependent ranch property under the standards in effect at the time, may not have kept up with advancing standards of commensurability. When a new standard of commensurability or dependency has been established by the district forester, those whose preferences were acquired previously should be given not less than three years in which to comply with the new standard, after which term permits may be refused and a 20 per cent annual reduction may be made for protection and distribution, or any amount for protection alone, on the part of such preferences not supported by commensurate ranch property under the new standard. (See instructions under Reg. G-8 on "Commensurability.")

Nonuse of Range .

Grazing preferences can be retained only by continual use of the range. Permittees who apply to graze a reduced number of stock can not expect the range to be reserved for them for a larger number later on.

An applicant who is a grantee will not be considered as having gained a preference until he has actually used the range. Therefore, he will not be given nonuse the first year.

In the discretion of the forest supervisor, applications from persons with established grazing preferences may be disapproved and the preference revoked for failure to apply for renewal of permit during the previous grazing year, or for failure to use a permit issued, unless a statement giving satisfactory reasons was filed with the supervisor, before the opening of the grazing season of the previous year so that, if desirable, the supervisor could have made temporary disposition of the range thus vacated.

When the range is in need of rest for revegetation, nonuse should always be allowed to whatever extent the welfare of the range demands.

In order to allow a reasonable margin in such matters, the grazing of 10 per cent less than the permitted number of sheep, goats, or swine, or 5 per cent less than the permitted number of cattle and horses will not be cause for reductions. If, however, the nonuse covers more than these percentages the total number not grazed will be used as a basis for the reduction.

Change of Residence.

A permittee with a (waivable) preference may change his residence to a point more remote from the forest without affecting the status of his preference, provided he maintains his other interests.

Change of Class of Stock.

A preference may be allowed for a class of stock different from that previously grazed. This may, however, require relinquishment of one range and acceptance of another. The ratio of exchange will depend on the demand, natural conditions, and the capacity of the ranges in question. The ratio will vary from about 2 sheep to 1 cow to 10 sheep to 1 cow.

Sale of Ranch.

A permittee having a grazing preference based on ranch property located in or adjacent to the national forest may dispose of such ranch property, but unless he secures equally dependent and commensurate ranch property within a reasonable time his preference may be revoked.

An owner who originally acquired a preference by prior use may dispose of his ranch property, but unless he acquires other commensurate, dependent ranch property he will be denied a term permit and may be reduced 20 per cent annually whenever necessary.

Disregard of Winter Feeding Clause.

A permit issued with the understanding that the stock will be fed during the winter on the products of the permittee's ranch, or that some definite connection will be maintained between the stock and the ranch, may be terminated and the preference revoked if the stock were not so fed or handled during the winter preceding the season for which permit is desired. As long, however, as the land continues to produce forage in the required amount, care should be exercised not to work an unnecessary hardship on the permittee, who may sometimes find it necessary to dispose of the forage raised on his own land and secure forage for his stock elsewhere.

Transfer to Another Forest.

A grazing preference can be transferred from one forest to another with the consent of the supervisor of the forest to which the transfer is desired, when no harm will result to forest interests or other users.

Temporary Permits.

On forests where the supply of forage is in excess of the requirements of new applicants and permittees in classes A and B, temporary permits may be issued to applicants who do not possess any or all of the qualifications necessary for an established preference or to permittees who already hold preferences which can not be increased by grant.

In the discretion of the forest supervisor, the holder of a temporary permit, after three successive years' use, may be given a preference for the smallest number of stock grazed any year, provided the permittee is the owner of a dependent ranch property which is commensurate with the number of stock and which will be used in connection therewith.

Temporary Extension Permits.

In the extension of permits for the summer season to cover a longer period, temporary paid permits for the number of stock which have reached the age of 6 months, in excess of the number covered by the permit for the summer season, may be issued whenever this will not result in injury to the forest.

Any increase in the number of stock allowed under such an extension is temporary, and the applicant's preference for the following year will be based on his original permit.

Pooling of Interests.

Holders of preferences may pool their interests and form partnerships or corporations up to the maximum limit. No reductions will be made because of the pooling of interests so long as the change is in form of ownership only. Where there is a substantial change in actual ownership, the case will be treated under Regulation G-9 to the extent that it amounts to a sale and purchase. General rules concerning the ownership and use of land applicable before the pooling must be observed after the consolidation.

Division of Interests.

When partnerships or corporations holding preferences are dissolved, the old preferences will be canceled and new preferences given to the former members or shareholders. No reduction will be made on account of the division when the change

is merely in form of ownership. To the extent that the change is substantial, amounting to a sale and purchase of stock, Regulation G-9 will apply. General rules concerning the ownership and use of land applicable before the dissolution must be observed after the division.

Partnerships Corporations, Classification of.

Partnerships and corporations will be considered as in class A when each member or shareholder can individually meet all class A requirements and when the total number of stock owned by such partnership or corporation is not in excess of the exemption limit, or the protective limit in the absence of an exemption limit.

All the stock in each and every preference in which an applicant owns any part will be counted in determining whether he is within the protective, exemption, or maximum limit.

Head of a Family, Classification of.

In determining whether the head of a family is within the protective exemption, or maximum limit, all the stock of all dependent members of the family will be added to the number claimed by the applicant.

List of Stockholders.

When it is necessary to determine the status of a corporation holding permit, the supervisor may request such corporation to furnish a certified list of its stockholders or a list of the stockholders of any corporation holding shares of its stock. This list must give the names of all stockholders and the amount of stock held or owned by each. When such information has been requested by the supervisor, renewal of permit will be withheld until a satisfactory list of the stockholders has been furnished.

Renewal to Estates.

In case of the death of a permittee having an established preference, a full renewal of permit will be granted in the name of the estate and the duly appointed administrator until the estate is divided and distributed among the heirs, or for three years if the estate remains intact in cases where the supervisor is convinced that the property will not descend to the members of the immediate family. The estate will have the same classification and be entitled to the same consideration as would the decedent had he lived, except as otherwise provided under Regulation G-9. (See Heirs to owners of permitted stock.)

Foreclosure of Mortgage.

If a mortgage on stock is foreclosed the permittee does not lose his preference for the following season, and unless he has

returned his permit to the supervisor and consented to the issuance of a permit to the mortgagee, as a purchaser, for the remainder of the grazing period, he may replace the stock with the consent of the supervisor. The mortgagee may be allowed to continue grazing the stock during the remainder of the current period under the same conditions as a purchaser, but secures no privileges of renewal unless the owner of the stock signs a waiver of his preference.

A permittee who loses both stock and ranch through foreclosure of a mortgage but does not waive his preference may secure a nonuse privilege and retain his preference if within one year from the date of foreclosure he replaces the stock and secures another ranch equally dependent.

REDUCTIONS

Purposes.

Reductions on grazing preferences are made for two purposes: Protection and distribution. Protection reductions may be made at the close of any grazing season in any amount the circumstances justify. Reductions for distribution in any year on annual permits above the protective or exemption limits shall not, together with reductions for protection, exceed 10 per cent in the case of commensurate ranch property, or 20 per cent in the absence of such property. The 10 and 20 per cent reductions may be applied entirely for distribution.

Distribution may be defined as the granting of preferences to qualified new class A applicants and increasing preferences of qualified class A permittees below the protective or exemption limit.

Reductions—How Applied.

When reductions are necessary, temporary permits will be terminated first. If this is insufficient reductions on a flat-rate basis for distribution may be made on preferences above the exemption limit, or in the absence of an exemption limit, on preferences above the protective limit. Protection reductions may be made on any preference, but as far as practicable they will be applied only on a preference above the exemption limit or above the protective limit in the absence of an exemption limit.

Any preference resulting from the division of an outfit during the preceding grazing season may be reduced as though the outfit had not been divided.

Necessary reductions on a flat-rate basis for protection may be made in term permits at the end of any grazing year during the term-permit period. During the term-permit period, a reduction may be made for distribution which, taken together with all reductions made for protection during the period, does not exceed 10 per cent.

Each term permit shall specify the maximum cut that can be made for distribution, which shall not exceed 10 per cent, and the maximum cut that may be made for all purposes, including protection, which shall be established in accordance with local range conditions. The possible reduction for range protection during the term-permit period should be not less than 10 per cent, unless this requirement is waived by the district forester. The district forester may, in his discretion, when local range conditions require, restrict permits to an annual basis.

If, during any year, the reductions made on established preferences are not used or needed for the purposes for which they were made, the original preferences will be considered the following year as if no reduction had been made.

Unit Over Which Applied.

Where reductions are necessary, each grazing district will be considered as a unit, and the permittees occupying it will be required to meet any reductions necessary to prevent damage to the range or to provide range for new applicants entitled to graze within the district. When, owing to topographic features, it is impossible to assemble reductions in permits upon an entire grazing district, each natural grazing division may be considered as a unit. When there is unused range on other districts within the forest, permittees who desire to transfer a part or all of their permitted stock to such range will be given a preference in its use.

When it becomes necessary to close an area against the grazing of stock through no fault of the permittee who has used it, the loss should not fall entirely on such permittee, but reductions should be spread over the entire district, unit, or division, so that the permittee will only suffer his proportionate share of the reduction.

Reductions in Different Classes of Stock.

When an equitable division of the range has been made in any forest or grazing district between the various classes of livestock, and the individual grazing privileges enjoyed by the owners of either class are not excessive, no reductions will be made in one class to provide additional range for another class unless economic development of the surrounding country requires it.

Deferred Reductions.

In cases where the topography makes it impossible to assemble and utilize the range made available by a reduction, the reduction may be deferred until the following year or until the range can be utilized by other permittees. In such cases, the permit should contain a stipulation that it is subject to the specified reduction at the beginning of the following year.

NEW APPLICANTS

REG. G-8. To promote agricultural settlement and development, consistent with the reasonable stability of established preferences, grazing preferences may be granted and grazing permits issued to new class A applicants who are citizens of the United States (not including declarants and petitioners) who own livestock, and reside upon dependent improved ranch property. Persons who have waived any part of a previously established grazing preference will not be recognized as new applicants, or granted any increase, where such action would necessitate a reduction in the preference of other established permittees.

When in his judgment the conditions warrant, the district forester may close, for stated periods, forests or portions of forests to the admission of new applicants.

Where a forest or a portion thereof has not been closed to new applicants and unless otherwise authorized by the Secretary of Agriculture, the forester shall make provision for reductions in grazing preferences above the exemption limit, or the protective limit in the absence of an exemption limit, to provide new qualified class A applicants with range for numbers of stock not in excess of the protective limit or to increase preferences of class A permittees up to the protective limit.

Provision for New Applicants.

Any surplus range gained by reductions as heretofore provided or on account of sale and purchase, by cancellation or revocation of preferences, or in any other way, may be used for admitting qualified new applicants or for increases to qualified permittees below the exemption or protective limits, such surpluses may be used also for range protection, in the discretion of the forest supervisor.

Limitation on Distribution of Grazing Privileges.

The second paragraph of Regulation G-8 is intended to apply in cases where a further distribution of the grazing privileges would be uneconomic. In the discretion of the district

forester, it may be applied for such periods as he may specify in any one or all of the following cases:

- (a) Where the protective or exemption limits are much lower than the local conditions of livestock production justify and a general readjustment in limits seems desirable.
- (b) Where the number of stock secured by multiplying the number of fully qualified established permittees under either or both the protective or exemption limits by the limit or limits equals or exceeds the carrying capacity of the forest, district, division, or range involved.
- (c) Where a 10 per cent or larger reduction for protective purposes is scheduled at the opening of any term-permit period.
- (d) Where a wider distribution of the grazing privilege involves such reductions in preferences as to make it impracticable for established permittees to operate.
- (e) Where a wider distribution of the grazing privileges would prevent the securing of urgently needed improvements on the range.
- (f) Where a wider distribution of the grazing privileges would depreciate the value of range improvements and ranch property belonging to the permittees reduced, appreciably in excess of the increase in value of the range improvements and ranch property of the permittees to whom the range secured by reduction would be distributed.

Dependency.

The term "dependency" refers to property other than livestock, not to persons. It is a relative term. The ranch property most dependent on one forest may differ greatly in dependency from the ranch property most dependent on another.

The objective in grazing administration is to bring about the best coordinate use between the range on each forest and the most dependent ranch property. In order to attain this objective, and for the information of the public, zones of dependency may be established by the district forester wherever conditions warrant, including separate zones for sheep and cattle. When such zones are established, no one having commensurate ranch property inside the zone should be reduced for the benefit of anyone owning such property outside the zone. Where reductions must be made for protection or for class A applicants within the zone, they should first be applied on the preferences of those whose

ranch property is outside the zone after a dependency zone has been established. No one can qualify as a purchaser (Reg. G-9) beyond the commensurateness of his property inside the zone.

Dependence of land upon the use of national forest ranges will be determined by the established customs of the locality and the necessity for grazing a certain number of livestock thereon in order to utilize the products of the land which could not otherwise be so economically marketed.

Within such reasonable limits as may be determined by the district forester, the owners of land of such character and so located that its profitable use is dependent upon the production of forage crops which can be marketed to the best advantage only by feeding livestock will be given a preference over the owners of land which can be used with equal or greater profit for the production of crops marketable in other ways.

Commensurability.

The term "commensurate property" means property of the kind and amount necessary to furnish feed or forage for the class of stock in accordance with the custom of the locality during the portion of the year when it is not grazed upon the national forest. Range improvements, either on or off the national forest, necessary for the handling of stock or the utilization of the forage, together with ranch property, may be accepted as commensurate to the extent the use of such improvements is in accordance with the custom of the locality.

Commensurability Standards.

Standards of commensurability may be developed for a forest, district, or division, depending upon the conditions existing in the locality.

The purpose of these standards is to determine the qualifications of new applicants and to stabilize the preferences of established permittees.

The average amount of owned ranch property or range improvements, feed, or other property used, per head of stock grazed under preference permits on the national forest or grazing district, may be used as a standard for that forest or district. This may be computed on the basis of ranch investment per head of permitted stock, acreage, or feed requirements.

Converting factors may be applied to grazing lands or other forms of pasture where hay is used as a standard. The standards so developed should be flexible and subject to change to meet altered economic conditions.

While the ownership of improved ranch property is necessary to the establishment of a permanent preference on the forest,

the commensurability standards should be applied flexibly in the event new economic conditions justify established permittees in changing their methods of operation. In some cases the established permittee may find it more profitable to use improved ranch property for pasture purposes and remove some of his stock to winter range elsewhere, or to purchase hay from ranchers engaged in hay production. In these cases the purchase of pasture or cultivated forage crops may be given the same weight as if the permittee produced the feed on his own ranch property. In the application of all standards forest officers should guard against requiring established permittees to purchase ranch property beyond their economic requirements.

Where the majority of dependent ranch holders produce feed on owned ranch property sufficient to carry their stock during seasons when the stock are not on the forest and are in competition with applicants who purchase feed from producers of hay, the former should be given preference in the allotment of range.

Standards of commensurability should ordinarily be recommended and approved by the stock associations concerned, and should not ordinarily exceed the average practice of the existing permittees grazing the classes of stock concerned.

Definition of Ranch Property.

Ranch property will ordinarily mean lands producing cultivated forage crops, but in localities where the production of cultivated forage crops is not a requisite to the stock business, the ownership of spring, fall, and winter range, or lambing grounds by a bona fide local resident whose land is dependent upon the use of the national forest should be given nearly the same, if not equal, weight with the ownership of cultivated lands. The same is true of the ownership of watering places which control adjoining national forest range. Property of this sort must be commensurate with the number of stock and actually dependent for its value upon national forest range.

Ranch Property Must be Owned.

A person can not qualify as a permittee by leasing ranch property. Only actual owners of ranch property used in connection with the permitted stock will be recognized as qualified to share in the use of the forest ranges for which a standard of commensurability has been established, but prior users not owning ranch property will be given not less than three years within which to qualify. (See Commensurability Standards, p. 25.)

New Class A Applicants Without Stock.

After class A applicants who own stock have been provided for, new class A applicants who do not own stock at the time of

Submitting their applications may be admitted provided they satisfy the supervisor that their applications are made in good faith. Satisfactory legal evidence of ownership will be required before permits are issued. (See Stock to be Purchased, p. 6.)

Lessees and Herders.

A person leasing stock or running it on shares or herding it for the permittee is regarded as an employee only, and can not acquire preference in the use of the range.

Preference to Citizens of State.

If all other conditions are equal, new applicants whose commensurate ranch property is within the State in which a forest is located will be given preference over applicants whose property is in adjoining States.

Married Women, When Recognized as New Class A Applicants.

One of the principal purposes in regulating the acquirement of grazing privileges on the national forest is to make the use of the range contribute to the development and support of the greatest number of home units. For this reason a married woman will only be considered as entitled to grazing privileges when she is in some way debarred from sharing in the grazing privilege enjoyed by her husband, owns and resides upon an improved ranch separate and apart from that of the husband, and is entirely dependent upon her own resources for a livelihood and the maintenance of her home. A technical division of the home, ranch property, or live stock owned by a man and wife will not qualify the latter as a new class A applicant.

If the wife owns the livestock, and if between husband and wife they own a sufficient amount of dependent ranch property and meet all class A qualifications, there should be no objection to considering a married woman as a class A applicant, provided her husband has no grazing preference and consents to his wife's making the application for the family.

Married Women, General Status as Applicants.

If the State laws give a married woman the right of independent ownership of real estate and livestock, or if she is qualified under the State laws to make contracts and engage in business in the same manner as a single woman, and she personally possesses the other qualifications requisite to a share in the use of the forest ranges, she may be recognized as a new class B applicant or as a purchaser under Regulation G-9, and as much may be granted a permit to graze upon the forest the livestock of which she is the actual legal owner, provided the total number of stock grazed under permit by both the woman and her husband do not, when combined, exceed the maximum limit.

Unmarried Women.

An unmarried woman of legal age and properly qualified is entitled to full consideration as a new applicant.

Minors.

A minor not less than 16 years of age who is the head of a family and its principal means of support or who is using and occupying range at the time it is included within a national forest will have exactly the same status as an applicant of legal age.

Minors not less than 16 years of age who are under the control of parents or guardians may be recognized as new applicants upon forests which are not fully stocked, where the recognition of the minor will not entail the denial of permit to a qualified applicant of legal age. They may also be reconized as purchasers of permitted stock and granted permits in accordance with the provisions of Regulation G-9. In neither case will a permit be issued for a number of stock which, when combined with the number grazed under permit by the minor's parents or guardian, exceeds the maximum limit.

Settlers on Unimproved Land.

Settlers upon unimproved Govenment or other lands to which they do not hold title will not be regarded as having gained a preference until they have demonstrated their good faith by three years of residence, improvement, and cultivation, and by compliance with United States land laws or satisfaction of contract agreement. They may, however, be allowed the same use of the range as is allowed bona fide class A applicants, provided that permits granted will be temporary during the three-year period and not in excess of the seller's needs. (See instructions under Reg. G-2.)

Settlers who have title to unimproved land may be allowed preference as fast as the improvement, cultivation, and use of the land justify it.

Class B Owners.

Applications of new class B owners and of class B permittees for increases will be approved only under the following conditions:

Upon the basis of the purchase of the stock or ranches of permittees when the purchaser can qualify under Regulation G-9; for temporary permit on forests where there is surplus range when the issuance of temporary permits will not entail reductions on established grazing preferences or prevent the admission of new class A applicants or the granting of increases to class A permittees.

New class B applicants may be admitted and increases granted up to the exemption limit, or in the absence of an exemption, limit, up to the protective limit, and established preferences may be given the first year, provided the class B applicant meets all class A qualifications except as to residence and the number of stock owned.

Applications During Term-Permit Period.

Applications from new class A applicants or class A permittees for increases during a term-permit period will be approved for such numbers of stock as can be provided for on surplus range gained by reductions and in other ways, as provided by the regulations and instructions. Surplus range thus secured will be applied first to class A permittees below protective limit. If a surplus still remains new qualified class A applicants may be admitted. (See Reductions, p. 29.)

Definition of a Fully Stocked Forest.

A forest or grazing district will be considered as fully stocked whenever the permanant privileges enjoyed by class B permittees, plus the total demand for range by all class A owners, equals its estimated carrying capacity.

Distribution of Unallotted Balance.

If an unallotted balance remains in the authorization after provision has been made for all properly qualified applicants entitled to renewal, it may be equitably distributed between new applicants and class A permittees grazing numbers of stock below the protective limit. Ordinarily the class A permittees below the protective limit should be increased before new applicants are admitted.

When a surplus occurs in the authorization for either class of stock by reason of reductions in the renewal of permits to purchasers, revocation or cancellation of permits, or failure to use allotted range, grazing privileges may be awarded to properly qualified owners of the class of stock which, in the judgment of the supervisor, is most entitled to its use.

Increases to Class A Permittees.

Class A permittees having a preference for a number of stock below the protective limit will be allowed to increase their number gradually, but may be restricted in the number added each year. Class A permittees may be allowed to increase at once to the number given new applicants. Beyond this number, increases may be fixed percentages established by grades.

Where permits are issued on a feeding basis, increases will not be granted or permits issued for a greater number of stock than the products of the applicant's ranch will support during the winter season.

PERMITS TO PURCHASERS

REG. G-9. To facilitate legitimate business transactions, under conditions specified by the the Forester, and unless otherwise authorized or limited by the Secretary of Agriculture, and upon satisfactory evidence being submitted that the sale is bona fide, a purchaser of either the permitted stock or the dependent, commensurate ranch property of an established permittee will be allowed a renewal of permit in whole or in part, subject to the maximum limit restrictions, provided the purchaser of stock only actually owns dependent, commensurate ranch property, and the person from whom the purchase is made waives to the Government his preference for renewal of permit. A renewal of permit on account of purchase from a grantee who has used the range less than three years will not be allowed.

A grazing preference is not a property right. Permits are granted only for the exclusive use and benefit of the persons to whom they are issued and will be forfeited if sold or transferred in any manner for a valuable consideration.

Purpose of the Regulation.

Regulation G-9 provides for administrative control in connection with business transactions involving grazing privileges between persons, companies, or corporations whose enterprises are dependent in whole or in part upon the use of national forest range. The regulation has been so framed as to permit as much freedom of action as possible in such matters consistent with good administration.

Proof of Validity of Transfer.

Before any consideration will be given an application for renewal of permit on account of purchase, satisfactory evidence must be submitted to the forest supervisor that the sale is bona fide.

A statement should be submitted showing the character, location and amount of ranch property upon which the application for renewal is based and the connection it has with the stock.

Title to the stock or land involved must pass directly from the person executing the waiver to the purchaser applying for the permit.

Waiver of Preference.

A waiver of the preference (Form 763) will be required in all cases where the original permittee desires to relinquish claim to a renewal of permit.

Free Permits to Purchasers.

In case a permittee sells during the permit period and consents to the purchaser continuing to graze the stock on the national forest, with the consent of the permittee, upon the presentation to the supervisor of evidence that the sale is bona fide, the original permit will be canceled and a new permit issued to the purchaser without charge for the remainder of the period for which fees have been paid. If only a portion of the stock is sold, an amended permit for the number of stock retained will be issued to the original permittee, and a free permit to the purchaser for the number purchased. No transfer of fees on the record is necessary in such cases. Cross reference entries will be made on the record card.

Sale of Stock After Approval of Application.

When stock is sold after the application for a grazing permit has been approved and prior to the beginning of the grazing period, if the permittee does not waive his grazing preference although willing to forego use of the range for the current season, the original application will be canceled and the application of the purchaser will be approved upon its merits as a new application, subject to the regulations.

Ranch Property.

Ranch property must be fully commensurate and dependent and conform to the definition of ranch property under the instructions of Regulation G-8.

Purchase of Stock and Ranches.

If the ranch property is commensurate, dependent, and used in connection with the permitted stock, the purchaser of both the stock and ranches of a permittee will be allowed a renewal of permit for the established grazing preference, subject to the maximum limit restrictions and the filing of a waiver from the original permittee. If the surplus is needed for distribution or protection a reduction not exceeding 10 per cent may be made. If the ranch property is not fully commensurate, a proportionate reduction should be made in the number of stock for which renewal of permit is allowed.

Purchase of Stock Only by Owner of Improved Ranch.

A purchaser of permitted stock who owns improved ranch property, dependent and commensurate and used in connection with the stock, or who acquires such ranch property from persons other than the original permittee, may be allowed a renewal of permit for the permittee's established grazing preference, pro-

vided that the maximum limit restriction is not exceeded and a waiver from the original permittee is filed with the application for renewal. If surplus range is needed for distribution or protection a reduction not exceeding 20 per cent may be made.

Purchase of Ranch Property Only.

One who purchases from the permittee commensurate dependent ranch property without the permitted livestock will be allowed a renewal of permit for the preference waived, subject to the maximum limit and the filing of a waiver from the original permittee. If surplus range is needed for distribution or protection a reduction not exceeding 20 per cent may be made.

Leased Land not Acceptable.

The applicant for renewal must hold legal title to the lands, as leased lands do not meet the requirements of the regulations.

Transfer of Shares in Corporations.

If at any time subsequent to the securing of a grazing privilege by a corporation a majority of the shares of its stock are held by stockholders other than those holding them when such privilege was granted, the entire preference will be subject to the same reduction as in other cases of sale and purchase. This action should be taken the next time the permit is validated or renewed.

Partnership Agreement.

A permittee having an established preference may enter into partnership with another person not a permittee, and only the interest sold will be subject to the provisions of Regulation G-9. (See Pooling and Division of Interest, Reg. G-7.)

Renewal in Case of Purchase at Forced Sale.

One who acquires permitted stock or ranch property through foreclosure proceedings shall be entitled to no special consideration over an ordinary purchaser unless he has secured a waiver of the grazing preference signed by the mortgagor.

If the purchaser at a forced sale has a waiver of the grazing preference on Form 763, signed by the mortgagor, he should be allowed a full renewal of the preference for one season after he takes over the stock, regardless of his other qualifications. The second season he shall be considered an ordinary purchaser and must fully qualify as such. If by the beginning of the second season he sells the stock and waives the grazing preference, the purchaser from him should be considered as though the mortgagor had sold and waived direct to him, and no more than one reduction shall be made.

Heirs to Owners of Permitted Stock.

In the event an estate is not divided at the expiration of three years from the death of the permittee, and it is evident the estate will not descend to the immediate family of the deceased, a reduction shall be considered in the grazing preference. If reduction is made before divisions, a 20 per cent reduction may be applied in case of nonownership of commensurate ranch property. Otherwise a 10 per cent reduction may be made; but any reduction must conform to the following paragraph. No reductions will be made upon the division of an estate if a reduction has already been made under this paragraph.

No reductions will be made on the division of an estate within the maximum limit if the stock or ranch property descend to the immediate members of the family (father, mother, or children); but the major heirs must fully qualify under this regulation; no reduction will be made on the portion the widow and minors acquire, provided they have the qualifications required of the decedent.

Sales Within Family.

Reductions within the maximum limit will be waived where sales are made within the immediate family (father, mother, children), but the purchaser must fully qualify under this regulation.

No Reductions on Small Owners.

In the discretion of the supervisor a permit may be issued to a purchaser for the full number of stock purchased when the number purchased, or the number purchased combined with the original established preference of the purchaser, does not exceed the exemption limit, or the protective limit in the absence of an exemption limit. Except as hereinafter specifically provided, no division of stock or ranches will exempt such permits from reduction.

Surplus Range.

When there is surplus range on a forest, or a district of a forest, that is sufficient to meet the demands from all persons having grazing preferences, from new qualified applicants, and from those entitled to increases in existing permits, the reduction ordinarily required may be waived, in the discretion of the supervisor.

Limitation on Frequency of Transfers.

No limitation on the frequency of transfers will be applied, but every transaction will be subject to such reductions as are provided for in connection with renewal to purchasers.

GRAZING FEES

REG. G-10. A fee will be charged for the grazing of all livestock on national forests, except as provided by regulation or unless otherwise authorized by the Secretary of Agriculture, or in cases where the Forester may determine it is to the interest of the United States to permit free grazing.

The Forester is authorized to determine the fair compensation to be charged for the grazing of livestock on the national forests, upon the basis of the following factors:

(1) A proper use of the grazing resource to best serve the public interest.

(2) Reasonable consideration of the value of the forage to the livestock industry.

(3) Effect of the rates upon the livestock producers.

An additional charge of 2 cents per head will be made for sheep or goats which are allowed to enter the national forests for the purpose of lambing or kidding.

No charge will be made for animals under 6 months of age at the time of entering the forest, which are the natural increase of stock upon which fees are paid or for those born during the season for which the permit is allowed.

The value of comparable grazing lands owned by private persons, corporations, States, Indian reservations, or other Government lands used for grazing purposes, will be used for comparative purposes in establishing the grazing fees on the national forests. In using such values due allowance will be made for cases showing abnormal competition or involving considerations other than the use of the forage resource. Values covering a period of years and over a sufficiently large area will be employed so that fair range values will be derived. On the basis of such a comparison, together with the other factors specified in Regulation G-10, the Forester will determine a reasonable value for national forest ranges and establish the fees for cattle and sheep for each forest of portion thereof. The fee on horses will be 25 per cent more than the fee for cattle, and the fee for swine will be 25 per cent less than the fee for cattle; goats will take the same rate as sheep.

The fees thus established will take effect January 1, 1927.

In order to protect and stabilize established permittees, the fee applicable will be for the class of stock occupying the range under established preferences.

The fees established by appraisal will represent a monthly rate, and the fee for any established grazing period will be determined by multiplying the monthly rate by the number of months or parts of months in the period.

For all grazing periods, including fractions of months, the fractional part of the month will be divided into five-day periods and the fees determined on the basis of the nearest five-day period, provided that the rates on sheep, goats, and swine shall not be divided into fractional amounts of less than one-fourth of 1 cent, and the rates on cattle and horses shall not be divided into fractional amounts of less than 1 cent.

Range Improvements Considered in Establishing Fees.

In appraising the value of grazing allotments which have been improved under special-use permits still outstanding, the fee shall make due allowance for the increased value which the improvements have added to the allotment. This will be arrived at ordinarily by first determining the value of the range in its improved condition and subtracting from this an amount equal to the annual cost of maintenance plus a fair interest upon the reasonable value of the improvements. In no case should improvements be valued in excess of cost of replacement.

In the case of improvements built under permits containing the condition that they shall become the property of the Government at the end of 10 years, the above rule will apply until the expiration of the 10-year period, after which the grazing fees should represent the real value of the improved range minus cost of maintenance. Provision for the maintenance of such improvements should either be stipulated as a condition of the grazing permit or the estimated cost should be included as a cooperative requirement under Regulation G-16.

Where the value of a range allotment has been increased by the construction of improvements subsequent to the establishment of grazing fees for any period, the fees shall not be increased to include any part of the additional value given to the range by reason of the new improvements until they become the property of the Government.

Range allotments carrying improvements acquired or constructed by the Government, or which the Government owns by virtue of having contributed material, should be valued as in their improved condition, and the fees computed accordingly, but the grazing permit should contain a stipulation requiring the permittee to maintain the improvements, and in establishing the grazing fee for such range a reduction covering the cost of maintenance should be made.

Crossing Fees.

The fees for crossing privileges on nonpermitted stock will be based upon the value of the forage consumed as determined by

will be grazed on and off the forest during the lambing period, there should be a division of the extra charge for lambing on the same basis as the on-and-off grazing fee.

the regular grazing fees established for the range concerned, plus additional costs of supervision, prorated on the total number of stock using the driveway.

In general, crossing fees for permitted stock will be covered in the regular grazing fee and the crossing period included in the regular grazing season. In cases where this is not practical, the crossing fee will be determined in the same manner as for non-permitted stock.

No Charge for Additional Time Allowance.

When a supervisor allows stock to enter not more than 15 days in advance of the date fixed for the beginning of a grazing period, or allows it to remain 15 days after the expiration provided in Regulation G-12, an additional charge will not be made. (See Additional Time Allowance, p. 56.)

When Animals Under Six Months are Subject to Charge.

The full grazing fee will be charged on all animals under 6 months of age which are not the natural increase of stock upon which fees are paid.

No Reduction Because of Partial Use.

No reduction in grazing fees will be made when the stock do not graze upon the national forest during the entire period allowed for reasons within the control of the permittee, nor will an increased number of stock be allowed to enter the forest for this reason, except as provided by Regulation G-11. (See "On-and-off permits," Reg. G-3.)

Determination of On-and-Off Fees.

In the approval of applications from the owners of cattle and horses which graze on and off the national forest an estimate will be made of the average number which will be grazed upon the forest, and the fee will be paid upon this number. In issuing sheep permits the grazing fees will be based on the grazing capacity of that portion of the range which is national forest land. (See Reg. G-3.)

Charges for Horses.

In ordinary range management it is found that horses require about 25 per cent more range space during a given period than is required by cattle. In many localities horses utilize feed that would otherwise remain unused and consequently often graze upon fully stocked cattle or sheep ranges without injury from overgrazing; but, as they are more readily disturbed, and travel

greater distances and at greater speed than cattle, they do more damage to forage and tree growth through trampling and as a result require more of the range.

Charges for Swine.

The forage consumed by swine is difficult to compare with that consumed by cattle, as their feed is mast, roots, and bulbs rather than forage grasses and plants; but, for purposes of administration, two head of swine will be considered equal to one cow. On account of the cost of regulating hog grazing, the very large proportionate natural increase, and the damage from rooting, 75 per cent of the rate for cattle is equitable.

Charges for Dry Sheep.

A band of dry sheep will not consume as much forage as a band of ewes with lambs, but since they will run and mass to a greater degree the demand on range is about equal. The absence of lambs in a band does not justify any reductions below the rates charged for ewes with lambs and persons grazing dry sheep will not be given a reduction in rates or an increase in number.

Charge for Lambing.

The additional charge of 2 cents per head for the privilege of lambing ewes upon the national forests is an extra charge for a special use of the range. It should not be included with the seasonal fee, but should be figured separately upon the number of ewes or does to be lambed or kidded. The control of suitable lambing grounds is one of the most important factors in successful sheep raising. The intensive method under which sheep must be handled during the lambing season causes more damage to the range than ordinary grazing, and the lambing charge is made accordingly.

The phrase "for the purpose of lambing or kidding" should be construed to mean the use of a range during the period from the time the first lambs or kids are born until the herds are made up for summer grazing, or ordinarily the period during which the herd is on the lambing grounds. The mere fact that lambing corrals are located upon patented land within the forest or upon public lands immediately adjacent will not relieve a permittee from the payment of the lambing charge. Two cents per head will be charged in all cases where drop bands are grazed upon the forest or where ewe bands enter the forest immediately after the lambs are dropped and before the herds are made up for the summer. If a lambing ground is located partly within a forest and partly outside or on private lands, so that the stock

While it is true that in some cases ewes or does entering the forest with lambs or kids after the herds are first made up must be confined to a limited area until the young are able to travel and consequently damage the range to an unusual extent, the element of special use and damage is not present and they will be charged for at the regular rate established for sheep and goats for the period.

PAYMENTS AND REFUNDS

REG. G-11. All grazing fees are payable in advance of the grazing period, unless otherwise authorized by the Forester. Crossing fees are payable in advance of entering the national forest.

When an applicant is notified that his application has been approved he will remit the amount due for the privilege to the designated United States depository. Persons who fail to pay the fees as above specified must notify the proper forest officer and give satisfactory reasons. Failure to comply with the above provisions may be sufficient cause for denying a grazing or crossing permit.

When a permittee is prevented from using the forest by circumstances over which he has no control or for some justifiable cause does not use the privilege granted him, in the discretion of the district forester a refund of the fees paid will be made in whole or in part as the circumstances may justify and the Government's interests will permit.

Payment of Fees.

Grazing fees may be paid in two equal installments, except as hereinafter provided. The first payment must be made on or before the beginning of the grazing period, and the second payment on a date specified by the district forester, but not later than December 1 of any year.

All fees of \$10 or less, crossing fees, and those due on temporary stock where the permittee has no established preference must be paid in full on or before the beginning of the grazing period.

Payment on Term Permits.

All persons holding term permits will be furnished a letter of transmittal (Form 861-G, by the supervisor, covering the grazing fees for the current year. Form 861-G, when returned to the permittee, will validate his permit for the period covered by the fees paid.

Emergency Concessions.

If an emergency requires that stock be allowed to enter the forest immediately, the supervisor may allow the stock to enter upon satisfactory evidence that the fee has been forwarded to the United States depository, the permit to be issued when notice of a receipt of the remittance is received. In no case will stock be allowed to enter the forest before remittance has been made.

How Payments are Made.

Upon the receipt of a letter of transmittal (Form 861-G) by an applicant he will forward the amount due to the designated United States depository in accordance with the instructions found on the back of the letter of transmittal.

Excess Payments.

Forest supervisors may initiate action whenever payment is made in excess of the amount due. The amount overpaid will be refunded. All claims for refunds must be made in writing to the supervisor and will be considered in accordance with Regulation G-11.

Conditions Warranting a Refund.

If the permittee's failure to use the range is based upon reasons acceptable to the district forester and the range can be reallocated to another applicant without loss of revenue to the Government, refunds may be made. Unusual climatic conditions, floods, high water in streams, heavy snow, etc., or infectious disease causing quarantine by Federal or State authority, loss of stock caused by poison, disease, railroad wrecks, or in some unusual manner are all good reasons for refunds. If the district forester is satisfied that the permittee has exercised good business judgment and used proper methods in handling his stock and was still unable to place it upon the allotted range, a refund may be granted. In all cases of unusual loss where it is either impracticable or impossible for the applicant to secure other stock, a refund may be made; but if the stock can be replaced, as where a portion of the stock has been sold and removed from the range this should be required.

Loss of Range Through Trespass or Error.

An equitable portion of the grazing fees may be refunded when a permittee is prevented from enjoying the full use of his range by reason of trespassing stock or on account of an error by a forest officer.

Sale of Stock.

No refund will be made on account of stock having been sold except in cases where the fees have been paid prior to the open-

ing of the grazing season and the stock have not entered the forest, or the preference is waived by the original owner to the Government and the purchaser is allowed a permit. In such cases the fees on the number of stock repermited may be refunded to the original permittee on his request.

The amount which will be refunded will not exceed the amount of the fees due on the permit issued to the purchaser. The difference, if any, between the amount paid on the original permit and the amount due on the new permit will not be refunded. A permittee who sells his stock under conditions which justify a full renewal of the permit to the purchaser and signs a waiver to its renewal (Form 763) is entitled to a refund of the full amount paid. If the conditions justify a renewal for only a portion of the number of stock covered by the original permit, then that per cent of the original payment will be refunded.

Failure to Purchase Stock.

Persons who make application to graze stock which they do not own but intend to purchase will not be entitled to a refund because they fail to secure the stock. They may, however, reserve the right to place stock upon the range at any time during the period allowed by the permit.

In many cases applications are submitted for the privilege of grazing stock which the applicant expects to buy later in the season and the supervisor approves the application and issues the permit. Later developments lead the applicant to believe that more money can be made by some other course and he requests a refund of the fees paid. Such refunds should not be approved. By the issuance of a permit the Forest Service has done its part in reserving sufficient range for the number of stock covered. In such cases the range is reserved for the permittee during the period covered by the permit and he has the right to place the stock upon it any time during the period. His failure to avail himself to the privilege does not constitute grounds for a refund.

RANGE MANAGEMENT

REG. G-12. Under the Forester's general instructions the forests will be divided into grazing districts, the kind and number of stock to be grazed in each district determined, grazing seasons established, the entrance of stock regulated, range divisions between permittees made, and efficient methods of range use developed and applied with a view to the most equitable and profitable utilization of the forage consistent with its sustained productivity and with the protection of the forest and other related interests.

Range Management Objectives.

The objects of range management are:

The upbuilding of a permanent, stable, and highly productive livestock industry by as complete utilization of the forage crop as is consistent with forest protection, permanency of forage production, and protection of other forest interest, the application of proved methods and special studies to accomplish the highest possible standards in range management and productivity; the encouragement of improved breeding and the production of the best quality of livestock products from the forest range; and the correlation of the grazing interests with other forest interests.

Range Management Plans.

To accomplish the objects of range management, the district forester will require the preparation of range-management plans for each forest or portion thereof. In general, these plans will take the natural division or allotment as the basis for all permanent records, annual plans, and reports, and will cover five-year cycles. They will consist of maps, policy, and objective statements, and such written material as will set forth proper range management in its relation to vegetative readiness, forage growth, seasons actually used, distribution and salting of stock, deferred and rotation grazing, the bedding-out system of handling sheep, poisonous-plant control, fire protection, degree of utilization, range improvements, etc., and important related interests, such as forest reproduction, wild life, and recreation.

It should be recognized that these plans are not final. They should be completed as far as present knowledge will permit and revised to meet changing conditions or to conform with more accurate data when collected.

Vegetative Readiness.

On account of variation in elevation, slopes, exposures, and forage types, there is often a great variation in the dates upon which forage is ready for grazing on different parts of the same allotment. It is important to control stock so that they graze the advanced forage first and do not get on to other range until the vegetation is sufficiently developed.

Deferred and Rotation Grazing.

In order to allow the forage plants to remain vigorous and to reproduce by seed or other natural means, stock should be kept, from time to time, off of areas until the important forage plants have ripened their seed. Such deferment of grazing on different parts of an allotment can be rotated until the whole allotment is allowed to produce a crop of seed. After the seed has ripened,

stock should ordinarily be allowed to graze the area during the same season. This rotation should be in periods of from three to five years according to local conditions.

In seeking the perpetuity of the forage resources, the objective in utilization should be to leave a sufficient amount of palatable forage for maturing seed over a period of years. In general, the annual average should be approximately 25 per cent.

The maintenance of soil fertility and watershed protection are also important considerations. For this purpose and where practicable, not less than from 10 to 25 per cent of the herbaceous vegetation should be left on the ground at the close of each grazing season.

Grazing and Fire.

Destructive grazing as a fire measure is not usually required but may be employed on limited areas at strategic locations. It is not the policy of the Forest Service, however, to destroy forage for the benefit of other resources, but rather to bring about a well balanced development of all resources through more intensive management and protection.

SALTING STOCK

All stock grazed on a national forest must be salted regularly at such places and in such manner as forest officers may designate.

Action in Case of Refusal to Salt Stock Properly.

Ordinarily a person who refuses to salt his stock when requested to do so will be subject to a reduction in permit number during the following year. If his refusal is continued and results in damage to the range he may be denied further privileges.

Influence of Proper Salting in Range Management.

Salt and water are two important factors in distributing cattle and horses on the range. Stock will alternate between salt and water if the two are widely separated and will consume as much range around a salt ground as around a water hole. For this reason the best results are secured by placing the salt at points some distance from water. When practicable, the salt licks and troughs should be placed on ground of no value for other purposes. Permanent salt grounds should be posted.

Extent to Which Salting Should be Required.

Salting is required as a means of forest protection and utilization and the regulation should be enforced to as great an extent as the interests of the forest demand.

Approximate Quantity of Salt Required.

Sheep will consume about a pound and a half of salt during a summer season. Deprived of salt, they are harder to herd and more destructive to the range.

Cattle and horses will consume approximately 2 pounds of salt per head per month from the time the green feed begins until midsummer and 1 pound per head per month during the remainder of the year. This quantity is in excess of that placed on most ranges, but experience has demonstrated that a liberal use of salt is a profitable investment. A lack of salt causes cattle to collect around old salt grounds and tramp out considerable range.

In placing salt, the carrying capacity of the range surrounding each salt ground, as well as the proper season for its use, should be determined, and enough salt should be placed on each salt ground to supply the number of stock which the range tributary to such salt ground will support.

HANDLING SHEEP**Bedding Out and Open Herding.**

The bedding-out and open-herding systems of handling sheep have proved so important both from the standpoint of the range and the sheep that they should be adopted as rapidly as practicable on all national forest sheep ranges.

The principal points in the systems are:

1. Herding in the lead of the sheep instead of in the rear, and training them to spread out and graze quietly.
2. Grazing rather than driving or trailing to and from water.
3. Bedding down the sheep on fresh bed grounds where night overtakes them, with proper selection of bed grounds so the sheep will be contented.
4. Camping close to the sheep each night either by using a burro to pack the herder's bed and food and allowing the burro to graze with his pack on during the time the sheep are feeding; or packing the herder's outfit with saddle horse or other means from a central camp; or having the camp tender keep the central camp moved to the vicinity of the sheep.
5. Using dogs as little as possible after the sheep are properly trained, and keeping them principally to protect the flock from predatory animals.

POISONOUS PLANTS

Efficient management on ranges infested with poisonous plants involves the designation of such areas on working plan maps and on the ground, and the development of methods of eradi-

cation or control. Men in charge of stock on the ranges should be informed of the plants poisonous to stock and where they occur in dangerous amounts. Tall larkspur (*Delphinium* spp.), *Cicuta*, or water hemlock, may be eradicated at reasonable expense by grubbing. Losses from the smaller plants, such as low larkspur and loco, must be controlled by proper seasonal use

EXCLUSION OF STOCK

When Authorized.

When specified areas are required for the protection of camping places, lakes, streams, roads, trails, etc., or of areas to be reforested, the supervisor may exclude stock from them for such periods as are necessary. Stock will be excluded from areas where they would destroy young tree growth or prevent reproduction.

Forest Protection.

It is within the authority of the supervisor, with the approval of the district forester, to close an area to all grazing, to reduce the number of stock allowed upon it, or to prohibit its use by certain classes of stock when the silvicultural needs of the forest demand it. For instance, sheep may be excluded from a timber-sale area for a certain number of years before or after cutting; or, in a year of scarcity of mast, hogs (otherwise permitted) may be excluded from the oak type. Where planting operations are being carried on, it will usually be necessary to exclude all classes of stock.

If silvical investigations show that grazing is responsible for the scantiness or lack of reproduction over a considerable area, a portion of it may be withdrawn from range use until young growth has become established, several years later, another portion, and so on until the whole area has been restocked with trees. Forest growth must be given preference; but this should be accompanied with as little injury to the local livestock industry as practicable.

Watershed Protection.

The watersheds of streams supplying water for irrigation, municipal, or domestic purposes may be closed to the grazing of any or all kinds of stock when necessary to prevent erosion, floods, or the diminution or contamination of the water supply. The supervisor should ascertain definitely the character and extent of the benefit to be accomplished and the number of permittees and number of stock affected.

Public Camping Grounds.

The needs of the traveling public should receive careful consideration, and in the division of the range adequate provision

should be made for the pasturage of work, saddle, and pack animals used by persons traveling through the national forests on business or for recreation. (See Instructions, Reg. G-2, Transportation Companies.)

Camping grounds required for the accommodation of the public may be closed to the grazing of permitted stock if such action is necessary. Upon the other hand, the well-being of the livestock industry is equally entitled to fair consideration. Where camping would seriously interfere with the livestock using certain designated watering places, the forest supervisor may, by posting, exclude or restrict camping use.

Game.

In making range allotments, whenever practicable the supervisor should provide adequate winter or summer feeding grounds, and in some cases breeding grounds, for game animals. These areas should not be crowded with stock to the extent of driving the game from its natural range or of depriving it of winter feed upon which it is dependent. Cooperation on the part of supervisors on adjoining forests may be necessary in making such arrangements. In other cases, sheep may be excluded from limited areas to provide nesting places for game birds, such as pheasants, grouse, wild turkey, ptarmigan, or quail. (See Wild Life, Reg. G-20, p. 76.)

CLASSES OF RANGE

Best Use of Each Class of Range.

The ranges within the national forest should be used by the kind of stock for which they are best adapted, except when this would not be consistent with the welfare of the local residents or the proper protection of the forests. When an application is received for a class of stock not previously allowed to graze upon the range the supervisor should determine, first, whether the change can be made without injury to the forest or the flow of streams; second, to which class of stock the range is best adapted; and, third, whether the change will be detrimental to the interest of the people residing in the vicinity of the range. The change will be made by the forest supervisor only when all three conditions are favorable and the area has not been closed to grazing.

Summer Ranges.

The high summer ranges of the national forest are required to enable ewes to produce the maximum amount of milk to give

lambs rapid growth to prepare them for market. Therefore, as between the two classes, the higher ranges should be given to ewes and lambs.

Winter Ranges.

Winter ranges should not be allotted for use during the summer if such action will prevent their proper use during the winter by settlers residing in or near the forest who are dependent upon such ranges for wintering their stock. A range which can not be used during the summer season but forms a part of the winter range should not be classified as an unused range in the sense that term is used when supervisors are authorized to allow permits for increased numbers of stock contingent upon the development of unused ranges by the creation of new sources of water supply, etc.

Lambing Grounds.

Early ranges suitable for the lambing of sheep and necessarily used for that purpose should be protected from overgrazing and injury during the remainder of the grazing season. Moderate grazing may be allowed prior to the closing of the season, but continuous use throughout the entire summer period should be prohibited.

DISTRICTS AND DIVISIONS

Grazing Districts.

The kind and number of stock to be grazed in each district on the forests open to grazing will be authorized by the district forester.

Under these general instructions and for convenience in administration the national forests in which grazing is allowed will be divided into grazing districts by the supervisors. The districts should conform to administration districts, if practicable, and each should be given a special number.

Grazing Divisions.

The grazing districts should also be divided into grazing divisions, which should be natural grazing units defined by topographic boundaries, with their limits determined largely by the class of stock which is to use them. Cattle and horses ordinarily graze both ways from a stream, but seldom cross the summits of the surrounding ridges. Sheep and goats ordinarily graze the crest and slopes of a ridge or mountain, but will cross none but shallow streams, except on bridges. A division, being smaller than a district, should usually be for the use of one class of stock and should be designated by a well-known name, such as "Mormon

Lake Division," etc. These range divisions may be divided into individual ranges where advisable.

The boundaries of grazing districts and divisions should be made as nearly permanent as possible in order to avoid confusion in the minds of permittees and herders.

Grazing Allotments Between Permittees.

The supervisor will provide for the distribution of stock between and upon the districts and make such range allotments between applicants for grazing permits as appear most equitable and for the best interests of the national forest and its users.

Range divisions set aside for the grazing of cattle may be subdivided into smaller units for the grazing of dairy cattle, stock cattle, and steers. The separation of these three classes of cattle is beneficial to the stock and to the range; consequently, it should be encouraged in every instance where the stock can be confined to the allotted ranges without excessive cost or deterioration. When separate ranges have been established for dairy, breeding, and beef animals, range allotments will be made in accordance with the class of stock covered by the permit and each permittee will be required to confine his stock to his allotted range.

Grazing Allotments by Permittees.

Range allotments should be established by natural grazing units so far as topography, water, present ownership of improvements and ranch property, the adaptability of the forage for different classes of stock, and demand for forest range will permit. When allotments are so laid out they should not be changed to meet fluctuating demands. Numbers of stock should be made to conform with the natural unit or units rather than the unit with numbers of stock.

In order that individual initiative and self-interest in the improvement of the range may be secured to the fullest possible extent, individual allotments should be assigned wherever topography, water, ownership of improvements and ranch property, and demand for range will permit. Stability in range use can best be brought about by individual allotments in such cases. The practicability of establishing individual allotments, all other things being equal, will often depend upon the investment per head of stock in improvements essential to individual control.

Community allotments should be laid out with the same degree of care and with full consideration of the factors involved in the above two paragraphs. It is often possible to combine several units of range into a community allotment and through active cooperation on the part of the stockmen establish practically the same unity of control and management as on an individual allotment.

GRAZING PERIODS

Points to Consider in Fixing Grazing Periods.

Grazing periods will be established for each national forest to meet the general need of the stockmen and to secure economical use of the forage. An endeavor should be made to adjust periods to local conditions and to allow grazing only when the particular range in question can be used to the best advantage without injury to the forest. It is inadvisable to hold stock on winter range or in feed lots after the range within a forest is ready for use, but it is decidedly unwise to allow stock on forest ranges before the feed has well started, or while the range is so wet that the stock will cause injury to both forage and tree growth.

Seasonal Periods May Be Shortened Under Term Permits.

For the purpose of forest protection, it may be necessary to shorten in any year the grazing periods allowable under term permits.

Special Periods.

When grazing periods have been fixed by the district forester or the supervisor, stockmen will be required to secure permits and pay the fees for the full period. Special periods can be allowed only in cases where the circumstances render such action equitable to the Government and to other stockmen needing range.

Monthly Permits.

Monthly permits will be authorized only where special conditions warrant it.

Additional Time Allowance.

The supervisor may allow stock to enter not more than 15 days in advance of the date fixed for the beginning of a grazing period, or allow it to remain 15 days after the expiration, without additional charge, when the needs of the users demand such action and the condition of the range warrants it. The additional time allowed shall not exceed a total of 15 days during any one grazing period and will not be stated in the permit, but permission to enter before or remain after the regularly established dates will be given either by general notice or by a letter written to the applicant.

Larger Number for Shorter Period.

Under unusual conditions, where the interests of the range and the stockmen justify such action, a proportionately larger number of stock for a shorter period than the established grazing period may be allowed, provided the period is shortened at the beginning rather than at the end.

Extension of Permits.

If suitable range is available within the national forest, grazing permits for short periods may be canceled, and extended permits issued for any of the longer periods established for the forest.

Protection of Short-Period Permittees.

If the stock which graze in common upon a single grazing unit are covered by permits for different periods so that a portion enter the range considerably in advance of the balance, a reasonable proportion of the unit should be designated as the early range. The stock which enter first should be confined to the part so designated until the beginning of the last or shorter period, after which the entire unit may be used in common by all stock allotted to it.

COUNTING STOCK**Procedure.**

When an owner who has a permit is ready to drive in his stock he may be required to notify the nearest forest officer, by mail or otherwise, of the number to be driven in. If called upon to do so he must provide for having his stock counted before entering a national forest, or at any time afterwards when the number of stock appears to be greater than the number covered by permit.

The judgment of forest officers making counts of stocks of uncertain age shall be conclusive in making allowances for exemptions under Regulation G-2.

When Unnecessary.

Where the local forest officers are in possession of reliable information that the number of stock being brought in by a permittee is not in excess of his permit number, counting may be dispensed with.

Feed-lot Counts.

Counting in the feed lots can be done at a time when it will interfere little with a ranger's duties. An applicant who refuses to allow his stock to be counted in a feed lot may be required to arrange for a count before entering the forest, or to round-up at any time thereafter if the supervisor has reason to believe that the number being grazed is in excess of the permitted number.

HANDLING STOCK

REG. G-13. Forest officers shall require methods of handling stock on the national forests designed to secure proper protection of the resources thereon and of dependent interests, and may

require the owners of livestock to give good and sufficient bond to insure payment for all damage sustained by the Government through violation of the regulations for the terms of the permit.

Purpose of the Stock Handling Regulation.

Years of experience in the management of stock on the national forest ranges have enabled the stockmen, in cooperation with forest officers, to develop practical methods which insure the continued productivity of the forage crop and increase the benefits to the individual user. It is, therefore, the purpose of the regulation to require of stockmen the adoption of the methods which have proved beneficial to all interests concerned.

Bedding Sheep and Goats.

Sheep and goats must not be bedded more than three nights in one season in the same place, except in the case of ewes while lambing; they must not be bedded within 300 yards of any running stream or living spring, except in cases where these restrictions are clearly impracticable.

The above limitation applies particularly to the bedding of sheep and goats within 300 yards of a stream or spring that is a source of a water supply for a community or town.

Prolonged Use of Bed Ground.

The prolonged use of a bed ground by a band of sheep or goats is destructive to the range and results in lighter gains by the stock because the amount of forage trampled by a close-herded band of sheep is fully as great as the amount actually fed. Then, too, the sheep leave the bed ground hungry, and before fresh ungrazed range is reached a large number of plants that ordinarily would escape destruction may be injured. Reestablishment of the forage thus destroyed is difficult, if not impossible.

Combining Herds After Shipment.

The practice of combining two or more herds into one after the lambs are shipped should not be allowed if it contributes to poor range conditions, or if the topographic and water conditions are such that the best interests of the range suffer.

Trailing Sheep and Rounding-up Cattle.

Trailing of sheep should be reduced to the minimum and the least possible use made of dogs. Open herding should be practiced. The herd must not be too large; usually 1,000 to 1,200 ewes with lambs or 1,500 to 2,000 dry sheep can be handled in a single herd economically without undue injury to the range. Sheep should not be driven but grazed into and out from water.

The ideal in handling range cattle is to keep the animals well and evenly distributed over that part of the range which they

should occupy as the season advances, and to disturb them as little as possible. To this end unnecessary rounding up or gathering of cattle should be avoided during the grazing period.

Bonds.

The supervisor may require the owners of transient stock or nonresidents of the State or Territory in which the national forest is located, or persons who have persistently violated the regulations of the Secretary of Agriculture to give good and sufficient bond to insure payment for all damage sustained by the Government through violation of the regulations or the terms of the permit. The bond as determined by the supervisor should be sufficient to cover the risk.

SANITATION, QUARANTINE, AND LOCAL LAWS

REG. G-14. To prevent nuisances and insure proper sanitary conditions on the national forest, the Forester may require compliance with livestock quarantine regulations and such other sanitary measures as he may deem necessary.

The Forester may require the owner of all stock grazed under permit, or allowed to cross any national forest, to comply with the local livestock laws of the State in which the forest is located.

Enforcement of Quarantine Regulations

The owners of all stock grazed under permit in or allowed to cross any national forest will be required to conform to the quarantine regulations of the Secretary of Agriculture.

Whenever the stock in any locality are known to be infected with a contagious disease, or notice to that effect has been given the Forester or district forester by the Bureau of Animal Industry, the owners of all stock to be grazed in national forests must, if required to do so, subject the stock to inspection, and if it is found necessary, have such stock dipped or otherwise treated before they are allowed to enter the forest. At any time during the period for which a grazing permit has been issued, if the stock are found to be infected with a contagious disease, they must be dipped or otherwise treated in accordance with the instructions of the inspectors of the Bureau of Animal Industry, or the permit will be revoked and the stock removed from the national forest.

Enforcement of Local Laws.

The owners of all stock grazed under permit must comply with the livestock laws of the State. Permits will be revoked if the failure to comply with such laws is resulting in injury to

the forest or range, or is nullifying any approved special rules recommended by a recognized livestock association. All officers of the Forest Service will assist the proper State officials in the enforcement of all quarantine and livestock laws.

Estray or Unbranded Stock.

The ownership of all estray or unbranded stock upon the national forests will be determined by the laws of the State in which the forest is located, and forest officers will be governed by such laws in the handling of estray or unbranded stock.

Disposal of Carcasses.

The carcasses of all animals which die on the national forests from contagious or infectious diseases must be burned, and the carcasses of all animals which die in the close vicinity of water must be removed immediately and buried or burned.

The carcasses of animals dying from blackleg, anthrax, glanders, and other bacterial diseases scatter germs on the range when they decompose, and a healthy animal or person may contract the disease. Therefore, to prevent the pollution of water supply and the spread of disease among human beings as well as livestock, this rule will be strictly enforced.

Owners Must Dispose of Dead Animals.

Where the ownership of a dead animal can be ascertained, the work of burning or burying the carcass must be attended to by the owner or his employees. So far as practicable, forest officers will notify persons of the presence upon the range of dead animals owned by them. If the owner fails to comply with the notification, or if he can not be notified in time to secure effective disposal, the forest officer may provide for such disposal and the owner must pay the cost. Where this ownership can not be ascertained, the duty of carrying out the regulation falls upon the local forest officer.

How to Burn a Dead Animal.

The destruction by fire of the carcass of an animal weighing perhaps a thousand pounds is not an easy matter.

One of the best methods known is to dig a hole as close as possible to the carcass, about 2 feet deep and large enough otherwise to contain it.

On the side of this hole dig two or three small ditches or trenches sloping from the surface of the ground in to the hole. These will secure a strong draft, which will aid materially in the success of the work.

This hole having been filled with dry wood piled so as to give the maximum draft the animal can readily be rolled onto the

pile, and if an additional supply of wood is placed around the carcass the combustion will generally be almost complete.

The earth taken from the hole can be thrown back into it covering what few bones are left unburned, and the job will be completed in a satisfactory manner.

RANGE IMPROVEMENTS

REG. G-15. (A) Special-use permits must be secured for all range improvements.

(B) When the proposed improvements are necessary for the efficient utilization of the range a clause will be included providing that title shall vest in the Government at the end of a 10-year period. Exceptions may be made where an agreement is reached on an adjusted fee basis for some other period under paragraph (C).

(C) With the consent of a permittee who has constructed or maintained, or who may hereafter construct or maintain, range improvements which are necessary to the efficient utilization and management of national forest range, the Forester may make an adjustment of the grazing fees for a period of years sufficient to recompense the permittee for the value of such improvements.

Acceptance of the provisions of paragraph (C) of this regulation is optional with the permittee or Forester.

Purpose of Regulation G-15.

The General purpose of Regulation G-15 is to promote the construction of necessary range improvements and at the same time provide for necessary administrative range adjustments on a basis fair to the interested permittees.

Statement of Policy.

It is the policy of the Forest Service to encourage the construction of improvements necessary for the proper management of livestock permitted to graze on the national forests. Proper management includes the utilization of existing forage resources and their perpetuation and improvement, efficient supervision of livestock, and the safeguarding of the timber and other interests and resources of the forest from injury through grazing.

Generally speaking, improvements essential to proper range management will be constructed by the permittees concerned under free permits allowing the builders to obtain the resulting benefits without the fee being correspondingly increased for a 10-year period, and thereafter vesting title in the Government.

In no case will provision be made for the erection of permanent improvements based on a temporary adjustment of the grazing fees unless the project meets in every way the essentials of a sound public business transaction. To be justified it must be clearly shown that the plan will secure better range and forest management and that in the long run the action proposed will result in increasing rather than diminishing the total receipts from grazing fees. Although provision is made under Regulations G-15 and G-16 for the amortization of necessary range improvements by the adjustment of grazing fees, it is expected that usually the general level of fees will be maintained. Amortization by readjustment of grazing fees will be resorted to only in special cases where it is clearly justified as sound business practice and where funds are not otherwise available for the work.

Permits Required for all Range Improvements.

Special-use permits are generally issued without charge for all classes of range improvements. Construction without permit constitutes trespass. Range improvements may be classified into two groups: (1) Improvements necessary for the reasonable, efficient management of the range, and (2) improvements of convenience. All improvements which materially affect the value of the range are included in the first class. Special use permits issued hereafter for the construction of such improvements shall uniformly contain stipulation providing for their maintenance at the cost of the permittee and for the automatic vesting of title in the Government at the end of 10 years, unless the original permit contains a provision for title vesting at some other date under paragraph (C), or a mutual agreement is at some later time reached for the application of its provisions.

When Paragraph (C) Applies.

The provisions of paragraph (C) as they pertain to the full value of the improvements will be applied only in exceptional cases where administrative adjustments in range use are necessary to protect national forest interests and where such adjustments would deprive a permittee of the value of his improvements, or in cases where improvements urgently needed for proper use of the range can not otherwise be constructed.

When Paragraph (C) Does Not Apply.

Paragraph (C) will not apply to the retirement of the investment in improvements located on private land; to improvements of convenience which are not essential to the proper use of the range, such as dwellings, barns, horse pastures, or other stock-

handling facilities; to structures partly paid for from Federal funds; or to structures constructed under special use permits which provide for Government ownership at the expiration of a given period where that period has already expired.

How Paragraph (C) is Applied.

(1) Where an agreement has been entered into under Regulation G-15, providing for the construction of improvements by the permittee upon the basis of an adjusted fee, the range should be given a value as in its improved condition, less the amortization allowed. Provision should be made for the amortization of the entire cost of the improvements, including maintenance and a reasonable rate of interest, within an agreed period, at the end of which period the fees should be readjusted to the value of the range as improved minus the cost of maintenance. The grazing permittee may be required either to maintain the improvements or to pay the cost of maintenance into a cooperative fund under Regulation G-16.

(2) In the case of improvements which have been erected under special-use permits providing that title shall vest in the Government at the end of a 10-year period, the amortization of the cost of improvements should be applied pro rata to the unexpired portion of the 10-year term. In the case of improvements covered under outstanding terminable special-use permits (without the 10-year feature) amortization should apply to the fair appraised value of the improvements at the time when the amortization agreement is made.

Basis for 10-year Improvements.

It is believed that the majority of range improvements not requiring an unusually heavy investment will be constructed under paragraph (B), with title to the improvements automatically vesting in the Government at the end of 10 years. This is due to the fact that grazing fees for the 10-year period will be based upon the value of the range without such improvements, allowing the stockmen the full benefit of its increased value during the entire 10-year period, even though such increased value may amount to several times the cost of the improvements.

Increases, Reductions, and New Permittees on Improved Range.

In cases where, during the period of preferred use assured to the private owners of range improvements under paragraphs (B) or (C), it is found necessary for any reason to make a reduction in the grazing permits of said owners, compensation for such reduction will be made by a pro rata extension of the period of use of the improvements without increase in fees taking up the value added to the range by them. If, however, it is found that

the range thus benefited will carry an increased number of stock, the original permittees may, if otherwise entitled to preference under the regulations, receive increases in their grazing permits at the prevailing fees. All other new stock allowed on the range, whether belonging to beginners or others, should be charged a fee on the basis of its improved condition. Care must be taken, however, not to allow stock on such range under conditions which would reduce the benefits which the original permittees are entitled to secure from their investment. This may require a contribution from the new permittees toward maintenance of range improvements under Regulation G-16, with a corresponding adjustment of the fee.

Period of Retirement Plan Under Paragraph (C).

No specific period can be stated which will cover all cases. It must be determined in accordance with the special conditions surrounding each project.

When extraordinary exigencies of administration demand, the full value of a project may be retired within one year, providing the total allowed does not exceed the limitations herein provided. Usually the period of amortization should not exceed 5 years, but in exceptional cases the district forester may agree to a period as long as 15 years.

Authority of District Forester.

When in the discretion of the district forester the interests of the Government will be proportionately benefited and the needs of forest administration justify such action, he may adjust the grazing fees under paragraph (C) so as to fully compensate a permittee for the agreed value of existing improvements; provided the reduction in grazing fees does not exceed 10 per cent of the grazing receipts of the forest in any one year.

Agreement on Part of Permittee.

Before the provisions of paragraph (C) are applied in any case, the permittee's approval to such plan must be secured in writing. In the event the district forester decides to shift allotments or make any other needed administrative adjustments on a range in which the acquisition or construction of improvements is involved, and the permittee refuses to accept an equitable proposal for compensating him for the value of the improvements, his refusal will be considered as relieving the government from further obligations, and the adjustment may be made without applying the provisions of this regulation.

Cases Involving Joint Ownership.

Where joint ownership of improvements is involved, agreements under paragraph (C) should be reached with all per-

mittees interested in the improvements, each receiving the same equitable consideration according to his pro rata interest. Where agreements can not be reached with all permittees involved, a majority of the permittees interested in the range served by the improvements may form an association under Regulation G-18 and as such may become a single permittee and be dealt with accordingly. Or an agreement may be entered into with an association whereby the work will be done by the association and all permittees using the improvements will be given the advantages of a fairly adjusted fee. The service will cooperate with the association in securing its pro rata contribution from each permittee under the procedure authorized by Regulation G-18.

Procedure Under Paragraph (C).

The district forester will ascertain the character, location, number, value, and ownership of all range improvements involved in any administrative adjustments of range use. After the plan on any area has been completely developed, he will submit the proposal in writing to the permittee. Upon receipt of the written acceptance of the proposal by the permittee, the district forester will cause to be entered on the card record, Form 621, a notation to the effect that the grazing fees are adjusted on the basis of this regulation.

The following clause will be inserted in all grazing permits issued to permittees taking advantage of this regulation:

"In consideration of the issuance of this permit for the period ——— at a grazing fee of ——— the permittee does hereby relinquish to the United States all right, title, or interest in the following described improvements:———."

Use of Government-owned Improvements.

The fact that title to range improvements vests in the Government will not in itself prevent permittees from participating in using such improvements so long as they retain permits to share in the use of the range, but no reduction will be made in the grazing fee on account of government-owned improvements, except as may be necessary to maintain them.

Government Aid on Range Improvements.

Subject to the usual free use regulations and instructions, posts, poles, and other necessary timber may be obtained free of charge for the construction of range improvements. The service may also contribute other materials or may participate in the construction of improvements necessary for the efficient utilization of the range. No reduction will be made in the 10-year reversion of title on account of timber allowed under free use. But

in the case of improvements constructed under paragraph (B) a reduction will be made in the 10-year period correspondingly to the government's pro rata contribution otherwise. In the case of improvements erected under paragraph (C) such contributions will be taken into consideration in adjusting the fee.

Adjusted Fees to Purchasers.

A purchaser of stock or ranges with waiver from a permittee whose fee has been adjusted to cover the value of range improvements or the cost of their maintenance is entitled to secure a permit for the number of stock for which the renewal of permit is allowable on the same basis of grazing fees as the original permittee.

GOVERNMENT-CONSTRUCTED COOPERATIVE RANGE IMPROVEMENTS

REG. G-16. The Forester may provide for the receipt and disbursement of cooperative funds from stockmen for the improvement and protection of the range and other immediately related national forest interests which might otherwise be adversely affected by the grazing of livestock.

Object of Regulations.

The object of this regulation is to enable the Forest Service to secure necessary range betterments which can not be obtained under the voluntary provisions of Regulation G-15.

When Cooperation May Be Required.

Advantage should be taken of this provision only when the necessary funds are not available under some appropriation, when the interest of either the national forest or the livestock industry would otherwise be injured, and when it is impractical to secure equivalent results under Regulation G-15.

Necessary Conditions.

One of the conditions which must be met in providing for cooperation of this kind is that the improvement or service shall be necessary for the proper management of the range and the livestock under permit or to protect other forest resources from injury by grazing. This regulation does not authorize the receipt and disbursement of cooperative funds for improvements or service not immediately related to the use of the national forest for grazing purposes.

Basis of Financial Cooperation.

When improvements or service of the kind described above are needed but the self-interest of the permittee or permittees

is not a sufficient motive to secure the described result and funds are not otherwise available, the grazing permit may include as one of its conditions the payment of a certain amount per head into a cooperative fund in addition to the payment of the grazing fees.

Where such a project is decided upon the permittees concerned should first be consulted and allowed their choice of alternative plans: (1) No reduction in grazing fees on account of the required cooperative contribution, but as compensation therefor no increase in fees for 10 years for the use of the improved range based on the increase in its value from the improvements; (2) an immediate reduction in grazing fees equal in amount to the cooperative assessment. When the range has been improved and cooperative contributions are no longer required the range will be reappraised by including the additional value resulting from the improvements, and the grazing fees will be readjusted to meet the changed conditions.

Examples.

(a) A range infested with poisonous plants can not be grazed to efficient advantage. Where such range is used in common by many permittees, individual self-interest may be largely inoperative because all users of a common range share in its benefits regardless of participation in expenditures for its improvement. Without enforced and regulated cooperation, an impasse is brought about, the range is of little value to the stockmen, and the Government's receipts are correspondingly low. In such cases the improvement of the range should be made an obligation upon its use. This can only be enforced by requiring a cooperative contribution from each permittee, under the provisions of Regulation G-16. The stockmen in turn would be reimbursed for their expenditure either by (1) 10-year use, or (2) readjustment of the grazing fee, as they may elect.

(b) Where it is necessary to exclude stock from an area newly planted or recently cut over, the choice may lie between excluding all stock from a large area or fencing a small one, including fencing as a prerequisite to the use of the range. In the latter case cooperative contributions may be required under either plan 1 or plan 2.

(c) The use of a stock driveway may seriously injure the forest or range through lack of regulation, which can not be given it by the administrative force on the forest without subjecting other forest interests to even greater injury. In such a case the only alternative to prohibiting the use of the driveways is to provide for proper protection by requiring contributions toward a cooperative fund, which can be used in employing an officer to enforce

driveway regulations. Obviously only plan 2 would be acceptable to the stockmen in a case of this kind, and there can be no reappraisal until it is practicable to discontinue the cooperative requirement.

Procedure.

Where it appears necessary or desirable to provide a cooperative fund for improvements or protection under this regulation, the supervisor should submit a complete report with detailed plans to the district forester, discussing the proposed project from the standpoint of national forest interests and the interests of the stockmen, who should be freely consulted and given full consideration before final recommendations are made. If the district forester finds that the project meets the requirements of the law and of service policy, is in the public interest, and does not impose an inequitable burden on the stockmen, he will approve the plan and authorize the collection of a cooperative fund upon a definite basis. The payment of the approved pro rata share annually toward such cooperative fund, with the grazing fees (adjusted, if necessary, to meet the new conditions), will thereafter become an additional requirement for the continuance of grazing permits on the area. The notice to stockmen requiring payment should be on Form 861-G. Cooperative contributions should be paid in full on or before the beginning of the grazing period.

Limitations.

Where it appears necessary to readjust the range appraisal to provide for cooperative protection or improvements under Regulation G-16, the district forester should in no case make a reduction from the rates previously approved by the forester which will exceed 10 per cent of the grazing fees for that forest in any one year.

DAMAGE TO IMPROVEMENTS

REG. G-17.—The owners of all stock grazed on or allowed to cross any national forest must repair damage caused by their stock to roads, trails, springs, or other improvements. Failure to make prompt and adequate repairs, particularly after repeated notice, is sufficient grounds for suspending or revoking the offender's permit or preference in whole or in part.

Damage to Roads, Trails, and Springs.

Each person or group of persons granted grazing permits must repair any damage to roads or trails under the jurisdiction of the Forest Service caused by the presence of their stock. They must also fence any spring or seep upon Government

lands which is being damaged by the trampling of their stock, and if required by the supervisor must pipe the water into troughs or reservoirs for watering stock. Such reservoirs must be open for public use

Similar repairs on state or county roads may be required in the discretion of the supervisor. This should be required particularly in the case of roads which are being maintained by the Forest Service or in the maintenance of which the service is cooperating with State or county agencies.

COOPERATION WITH STOCKMEN

REG. G-18. In order to secure a collective expression of the needs of persons holding grazing permits on national forests, or portions thereof, and to afford them a reasonable opportunity to share in the administration of grazing and secure joint action on the part of permittees the Forester will provide for recognition of and cooperation with State and local livestock associations, under the provisions of Regulation A-9.

Whenever a national livestock association appoints an advisory board or committee representing users of the national forests in all of the different States, it will be recognized by the Forester and consulted annually regarding matters which concern the use of national forest range.

Reasons for Cooperation.

The primary purpose of the regulations is to make the national forests as useful as possible to the people, consistent with their protection and the perpetuation of their resources. It is clearly impossible to meet the wishes of each individual user, but it may be possible to meet the wishes of the majority if made known through an organization.

Recognition of Associations.

Whenever a State livestock association appoints an advisory board it may be recognized by the district forester and consulted in regard to general matters which affect the administration of the national forests within the entire State.

Within the discretion of the district forester, local associations which comply with the requirements may be recognized by the forest supervisor.

Character of Association.

An association must contain a majority of the permittees using the area for which it desires recognition and may be officially

recognized for an entire forest, a district, a division, or as a group of permittees having a community of interest in particular features of range administration.

The phrase "majority of the permittees" means a majority of the permittees in the preceding grazing season who grazed a certain class of stock under permits of record, either paid or on account of private lands, upon the range unit within which recognition of the association is desired.

Small Organizations Practicable.

In the administration of the national forests, good results have been secured through cooperation with associations representing the users of small grazing divisions who have a community of interest, are readily assembled for the consideration of administrative policies, and are closely in touch with the conditions on their ranges.

Requirements for Recognition—Advisory Boards.

Any livestock organization recognized under the provisions of Regulation G-16 may select a committee authorized to make agreements binding upon the association. This committee, upon application to the forest supervisor, may be recognized as an advisory board for the association and shall then be entitled to receive notices of proposed action and to be heard by the local forest officer in reference to increases or decreases in the number of stock authorized, the division of the range between different classes of stock, or the adoption of special rules to meet local conditions.

Livestock associations desiring to take advantage of this regulation must file an application with the supervisor, giving the names of all members, the name of the forest in which its members are interested, and the names of the committeemen who are to act for the association. The advisory board should ordinarily consist of not more than five members, and a majority of the board must constitute a quorum.

The application must be accompanied by a copy of the constitution and by-laws, which must contain a provision that the action of the board will be binding upon the association. These by-laws must provide that all persons who are permitted to graze the kind of stock represented by the association within the area which it covers will be eligible to membership.

Changes in Personnel, Constitution, or By-laws.

Supervisors will keep informed of any changes in the membership of recognized association or in the personnel of the advisory board and of amendments to the constitution and by-laws adopt-

ed. Should such changes reduce the status of the association below the requirements for recognition in the first instance, the supervisor should determine whether official recognition of the association will be continued, modified, or withdrawn.

Procedure.

The supervisor will determine whether or not the association is entitled to recognition. Upon approval by the supervisor, the secretary of the association will be notified.

If the application is disapproved, the secretary of the association will be informed, with specific reasons therefore, and instructions given indicating what the association must do in order to secure recognition. Copies of letters approving or disapproving recognition will be sent to the district forester. An appeal from the supervisor's decision may be made to the district forester.

Qualifications of Members of an Advisory Board.

Members of local, State, or national advisory boards must be grazing permittees on some national forest. In the case of local boards, they need not be users of the particular forest or district for which the association has been recognized.

Consideration of Recommendations of Advisory Board.

Each supervisor should give full and careful consideration to the suggestions and recommendations of advisory boards, although it is the responsibility of the forest officer to determine in each instance whether the wants of the association are compatible with the good of the forest and other interests. The Forest Service must control the grazing on the forests and retain final administrative authority.

Meetings of Advisory Boards.

Whenever the supervisor desires to bring any matters before an advisory board he should address a letter to the secretary requesting him to call a meeting on some designated date, stating clearly the matters to be discussed.

If, after the date of any meeting has been set, giving ample time for all members to attend, a majority of the board is not present, the forest officer will be relieved of obligation to delay action.

When it is necessary to disapprove the recommendations of an advisory board, the board will be furnished a clear statement of the reasons for disapproval.

Special Rules.

Upon the request of an advisory board, special rules designed to secure economy of operation, larger natural increases, improved grades of livestock, etc., may be approved by the supervisor.

When a special rule is recommended by an advisory board of only a part of the territory represented by it, a showing must be made that the rule is approved by a majority of the permittees using the area to which it will apply, excluding those holding temporary permits.

No rule should be adopted that is contrary to the State or Federal statutes concerning livestock.

Special rules once established will remain in force until revoked. They will be binding upon all permittees whether members of the association or not.

The previous paragraph will not be construed to force permittees to join such organization or association or pay membership dues in them unless they are willing to do so.

Applications for Special Rules.

Applications for special rules approved by the advisory board will be submitted to the supervisor in writing. Standard special rules of proved value may be approved by the forest supervisor. If the special rule requested is not standard the supervisor will forward it with his recommendations to the district forester.

The district forester will notify the secretary of the association by letter, setting forth the reasons for his decision. A copy of this letter will be sent to the supervisor.

Notifying Applicants of Rules.

When a special rule has been established each applicant for grazing privileges will be notified.

Assessments.

Assessments necessary to provide funds with which to make special rules effective on national forest ranges may be levied by the advisory board, and their payment will be enforced by the Forest Service on all permittees affected, whether members of the association or not.

Holders of temporary permits will be required to pay assessments for the current grazing period only.

Advisory boards may determine whether assessments will be collected in advance of the issuance of the permit.

When the secretary of a recognized association informs the supervisor that an assessment is to be made, the supervisor will furnish a list of the names of the permittees and the number of stock for which each holds a permit. The pro rata charge will be determined by dividing the amount of the assessment by the number of stock permitted upon the range affected. The secretary of the association will furnish the supervisor a statement of the amount of the assessment each permittee will be required

to pay. If the amount of the assessment is approved by the supervisor, the officer of the association will collect the dues and issue receipt therefor, and will advise the supervisor of the payment in such manner as may be agreed upon.

Bonds.

Where an assessment is to be collected under special rules or for the construction of improvements, in the discretion of the supervisor and the advisory board the official of the association designated to receive or disburse the money may be required to give to the association a good and sufficient bond, which must be approved by the supervisor.

Annual Statement by Secretary.

Not later than January 15 each year the secretary of an association having authority to levy an assessment under a special rule or special use permit will furnish the supervisor with a detailed statement of the amount of money received and disbursed each rule or permit. The supervisor will check this statement to see that all moneys collected are being used for the purpose contemplated.

Delinquents.

All persons will be given reasonable advance notice of assessments due. Failure to pay the amount on the date specified will be sufficient cause for denial of permit for that season.

In the event a permit is denied, and in the discretion of the district forester, the assessment will be refunded.

If an applicant fails to pay the assessment before the final date set for receiving applications the following year, his application for that season will be disapproved.

Forms of Cooperation With Associations.

In order to promote the use of the forage resources of the national forests without injury to other forest interests and with a kindly eye to the prosperity of the permittee stockmen, broad and flexible provisions have been made for cooperating with them, both individually and collectively.

In dealing with recognized associations cooperation in range improvement and protection may take any one of the following forms:

(a) An association may secure free of charge a permit to construct under paragraph (b) of Regulation 15 necessary range improvements on the area for which it has been granted recognition and when warranted by circumstances, may be assisted in enforcing the collection of pro rata costs from the permittees enjoying the use of the area.

(b) Where an association is a permittee in its own right it may enter into an agreement for reimbursement for range improvements or maintenance on an adjusted-fee basis under paragraph C of Regulation G-15, and may be assisted in enforcing the collection of proper pro rata costs from the permittees enjoying their use.

(c) In appropriate cases provision may be made for direct contributions from a permittee association for cooperative improvements or services under Regulation G-16.

Range Division Must be Settled.

The value of range improvements or protection and the success of either cooperative or individual effort in that direction depend largely upon the permanency of range divisions. Permits for such improvements should be issued only for lands which it is believed will be retained permanently within the forest, and where the range divisions or class of stock are not likely to change within a reasonable time.

Must be Necessary, Substantial, Economical.

Before an agreement is entered into in any case the forest supervisor will assure himself that the proposed improvement is actually necessary for the proper management of the stock, will be substantially and economically constructed, and, in the case of a permit to an association without an adjustment of grazing fees, will be beneficial to the majority of the permittees.

Details of Constructions.

The application to construct range improvements should specify in detail the materials to be used, the methods of construction, the spacing of posts, stays, and wires, the location and kind of gates, or other information needed to determine whether the improvement will conform to Forest Service standards and will be acceptable to all the permittees. The agreement providing for reimbursement on an adjusted-fee basis or providing for cooperation in enforcing pro rata contributions will be contingent upon full compliance with the specifications and other conditions in the special-use permit.

Determination of the Pro Rata Charge.

Upon the completion of the improvement, the association will submit an itemized statement of the cost of construction, which will be checked and verified by the supervisor. He should withhold his approval from any expenditure which appears to be extravagant or unnecessary. The amount approved will be considered the total cost of construction. The approved total cost will be divided by the total number of stock being grazed and

the pro rata cost to each permittee will be determined accordingly. Since the association is forced to advance the money for the original construction work, the supervisor may include interest at 6 per cent per annum for the period advanced as part of the original cost of construction to the individual permittees. With the approval of the forest supervisor and the association, the collection of the pro rata costs may be distributed over not to exceed three years, except in special cases involving heavy expenditures and the adjustment of grazing fees, under paragraph C of Regulation 15, in which case the collection may cover the entire period of readjustment of grazing fees.

Payment of Pro Rata Charge.

Forest officers must not receive payments to cover the cost of range improvements, maintain the range-improvement accounts of the association, or assume official responsibility beyond the regulations and instructions for the cost of construction or maintaining an improvement. These are functions of the association.

The payment of the pro rata charge will be made in the same manner as other assessments.

Transfer of Pro Rata Charge.

Where for any reason the number of stock run by an assessed permittee is reduced, his pro rata payments thereafter will conform to the reduced number. To offset this an equal pro rata charge may be made on increases or permits to beginners who in such cases may be given the advantages of the adjusted fee, or some equivalent equitable adjustment may be made.

REVOCATION OF PERMITS AND PREFERENCES .

REG. G-19. The Forester may authorize the revocation of grazing permits or preferences in whole or in part for a clearly established violation of the terms of the permit, the regulations upon which it is based, or the instructions of forest officers issued thereunder.

Suspension of Preference.

In the discretion of the district forester, a preference may be suspended for one or more years.

False Statements or Suppression of Material Facts.

If at any time between the first allotment of a grazing privilege and the final closure of the case through the acceptance by the forest supervisor of a waiver of grazing privileges, it is discovered that the original allotment of the privilege or its sub-

sequent renewal was secured by willful misrepresentation or the suppression of material facts, the preference may be revoked upon the termination of the current grazing period even though the permitted stock in the meantime may have been transferred to a purchaser.

Error on Part of Forest Officer.

Where the permittee has furnished the required information and acted in good faith a grazing preference granted in error by a forest officer may be continued if the permittee has adjusted his business by reason of such error and its correction would result in the permittee being placed in a worse position than would have been the case had the error not been made. Under any other conditions correction of the error should be required.

WILD LIFE

REG. G-20. Forest officers will cooperate with State, county, and Federal officials in the enforcement of all laws and regulations for the protection of wild life.

Such forest officers as are specifically designated deputy game wardens by the laws of any State, or who shall be appointed lawfully to such positions, will serve in such capacity without additional pay and with full power to enforce the State laws and regulations relative to fur-bearing and game animals, birds, and fish.

Forest officers authorized to act as State deputy game wardens may accept the usual fees allowed for issuing hunting and fishing licenses. All forest officers are prohibited from accepting bounties or rewards or parts of fines offered by any person, corporation, or State for aid rendered in the enforcement of any Federal or State law relative to fur-bearing and game animals, birds, and fish.

Game is a product of the forest. It adds materially to the enjoyment of the national forest by the public as well as to their possible economic uses. The preservation of game animals, birds, and fish, and the elimination of game violations form an important duty of forest officers. This is made incumbent upon the Forest Service by the act of May 23, 1908, which provides that all reasonable assistance in the protection of game within the national forest be given the State authorities. Failure to take an active part in game protection will be considered neglect of duty.

Cooperation with States.

In order to attain the highest efficiency possible in the enforcement of the State laws relative to fur-bearing and game

animals, birds, and fish, the district forester may agree with proper officers of the State upon a definite plan of cooperation with a written stipulation of the conditions under which all forest officers will enforce such laws, and the conditions under which forest officers designated by the district forester may accept appointments as State game wardens. A forest officer after being duly qualified as a Federal or State deputy game warden is vested with all the powers of a peace officer to arrest and prosecute offenders against Federal or State laws relative to fur-bearing and game animals, birds, and fish, and to perform such other official duties in this regard as are specifically provided by Federal or State laws.

Persons who enter upon national forest lands for the purpose of hunting, catching, trapping, disturbing, or killing any game or fur-bearing animal, game or nongame bird, or fish, or who take the eggs of any such bird, in violation of the laws of the State in which such lands are situated, may be prosecuted in the Federal court for trespassing on Government land.

Cooperation with Sportsmen's Associations.

Efficient cooperation in game-law enforcement, stocking of streams, preparation of working plans, and encouraging a public sentiment favorable to wild-life protection and development may be obtained from associations or clubs organized by sportsmen. In many cases forest officers can assist in forming such associations and in maintaining the active interest of sportsmen, and in securing the advice and assistance of the Biological Survey, which should be solicited. The value of close contact with these organizations in obtaining the proper development of the fish and game resources of the national forests justifies forest officers in granting as much time and attention to such activities as is possible without undue interference with other work. The obtaining of game or fish for stocking purposes or the passage of proper laws may often be most effectively accomplished through these associations.

GAME-MANAGEMENT PLANS

Plans for game culture are essential on most national forests, particularly in localities where there is a tendency to utilize areas needed by game for other purposes. Game needs should be considered in making allotments of stock on such areas. The

most effective way now known for protecting and developing the supply of game is to set aside lands where the animals may breed unmolested, so the increase will be available for stocking outside areas.

It is a part of the business of the Forest Service to develop the supply of game, and this can not be brought about without a study of game habits and needs. A study of winter conditions is especially important, for on such a study will depend largely the rational development of our game policy. Cumulative data should be collected on plants which make up the game feed on winter and summer ranges and on areas available in the forests for winter range.

Fish Propagation.

It is desirable to have the streams and lakes in the national forests produce the greatest number of valuable fish possible. The principal means is to obtain more complete stocking by the protection of spawning grounds, the closing of nursery streams, or the introduction of fry or fingerlings. The preparation of feeder streams to improve conditions for small fish, the construction of holding ponds at central points from which the fry or fingerlings may be distributed at convenient times, or the feeding of fish in rearing ponds are important measures in stocking streams. If possible, the desired action should be obtained through cooperation with local sportsmen, but where this is not practicable the supervisor should report the matter to the district forester, who will take it up with the State authorities or through the Forester, with the United States Bureau of Fisheries. Rare species in danger of extinction should be reported to the Forester, with a request for advice from the Bureau of Fisheries. The science of developing water areas to their highest productiveness is as yet largely on an experimental basis, but forest officers should consider this resource worthy of attention.

Losses from Rodents or Predatory Animals.

Whenever it is found that stock or game are suffering on account of the ravages of wolves, mountain lions, coyotes, wildcats, or other predatory animals, or rodents are found to be seriously affecting crops or the grazing capacity of the range, a report should be made to the district forester, with recommendations.

All hunters appointed for the purpose of killing predatory animals on the national forests and men in charge of the destruction of injurious rodents will be employed by the Biological Survey. The work will be carried on under such cooperative plans as may be agreed upon between the district forester and the district inspector of the Biological Survey.

GAME AND BIRD REFUGES

Four Classes

Four different classes of game and bird refuges may be included within the national forests: National game refuges, or areas in which the killing of game animals is prohibited by acts of Congress or by presidential order; national bird refuges, or areas in which the killing of birds is prohibited by acts of Congress or presidential order; State game refuges, or areas in which the killing of game is prohibited by the legislature of the State or Territory; and protected areas, or areas closed to the grazing of stock in order to protect game in its natural feeding or breeding grounds, but in which hunting is allowed by the State laws.

National Game Refuges.

National game refuges are created by specific acts of Congress or by presidential order for the purpose of protecting valuable game and birds. Within a national game refuge local game laws apply only on private, State, or Territorial lands.

Authority of Rangers.

The hunting, trapping, capturing, or killing of game animals upon a national game refuge in violation of any of the regulations for their protection prescribed by Secretary of Agriculture is a violation of the statute. Offenders will be tried in the United States district courts, not in the State or Territorial courts. Under authority granted by Congress, rangers are empowered to arrest persons violating national game refuge regulations.

Arrests.

In making arrests forest officers must be certain that the hunting, trapping, capturing, or killing of the game animals took place upon Government land within the limits of the national game refuge and not upon land in private, State, or Territorial ownership, and must be prepared to prove these fact before the United States commissioner and in subsequent court proceedings.

Game Wardens.

When a game warden is appointed from the United States civil service list for a game refuge within a national forest, he may be designated as acting forest supervisor and be placed in charge of the forest. Wardens who are not placed in charged of a forest will work under instructions from the supervisor.

Game Refuges.

Under approval by the Forester, limited areas which are the natural breeding or feeding grounds of game animals or birds may be closed to the grazing of domestic livestock when neces-

sary to protect the game from molestation or extinction. The boundaries of such areas should be plainly marked with notices showing that the areas are closed to the grazing of certain or all classes of stock, and permittees using adjoining ranges should be warned that the grazing of prohibited stock on the closed area will be an act of trespass.

National Bird Refuges.

National bird refuges are created under authority of an act of Congress or by Executive proclamation or order. The hunting, trapping, capturing, willfully disturbing, or killing of any bird or taking the eggs of birds on any lands of the United States within national bird refuges in violation of any of the regulations prescribed by the Secretary of Agriculture is a violation of the statute. Legal procedure and action on the part of forest officers in cases of violation of the regulations on national bird refuges will be the same as on national game refuges.

National forest lands within the bird refuges shall be administered by the Forest Service as other national forest lands, but such special protective measures shall be adopted as may be necessary to carry out the purposes of the refuge.

On the approval of any special requirements recommended by the Chief of the Biological Survey, the Forester will inform the local forest officers thereof.

In case of violation of the regulations of the national bird refuges located within the boundary of any national forest coming to the knowledge of forest officers they will take prompt steps to procure prosecution.

Notices to the public which the Chief of the Biological Survey may desire to have posted will be prepared in cooperation with the Forester, who will forward them to the proper local forest officers for posting.

The Chief of the Biological Survey and the Forester will cooperate in the selection of additional areas within national forests which may be desired for bird refuges.

State Game Refuges.

State game refuges are created by specific acts of the State or Territorial legislature for the purpose of protecting game animals. Such acts apply to all lands embraced within the described area, including public lands of the United States, unless they conflict with acts of Congress. The killing of game in violation of the act creating a State game refuge is a violation of the State or Territorial laws, and offenders will be tried in the State or Territorial courts.

Authority of Rangers.

Forest officers have authority to arrest for violations of such laws only after they have been appointed State or Territorial game wardens or have been given special authority by the State legislature.

Cooperation With State Game Warden.

When a State game refuge is established within a national forest, the district forester will communicate with the State game warden, offering the cooperation of the Forest Service in the enforcement of any regulations for the protection of animals in the refuge. Upon receipt of a request from the State game warden that special action be taken, the necessary instructions will be issued to the forest officers concerned.

If in the judgment of the district forester it is contrary to the best interests of the forests to comply with the State game warden's request, he may refer the matter to the Forester.

Protected Areas.

Protected areas may be established by the Forester within the national forests by the exclusion of livestock from limited areas which are the natural feeding or breeding ground of game animals or birds. Since such areas must remain open to hunting under the State game law, an effort should be made to secure the cooperation of the State in prohibiting the killing of game animals within protected areas.

Grazing Trespass on Protected Areas.

The boundaries of protected areas should be plainly marked with notices showing that the areas are closed to the grazing of certain or all classes of stock. The grazing of prohibited stock upon the area will be an act of trespass. Forest officers having charge of districts within which there are protected areas will give them the most effective protection possible.

GRAZING BOARDS

REG. G-21. Upon the request of a majority of the permittees grazing livestock on a national forest or group of national forests, or upon the recommendation of the district forester, grazing boards may be created by the Forester for the purpose of receiving suggestions and complaints regarding the administration of grazing on a national forest or group of national forests, investigating all facts relating thereto, and assisting, advising, and consulting with forest officers on matters of general interest to the permittees.

Boards created for a national forest shall consist of three members, and for a group of national forests, of five members. One member of each board shall be an employee of the Department of Agriculture and shall act as chairman. The other members shall be representatives of and selected by the permittees pasturing the class or classes of livestock grazed on the national forest or group of national forests. The board shall meet upon call of the chairman at such times and places as he may designate by giving written notice to all members of the board at least 10 days before the proposed date of meeting. The position of any member of the board who fails to attend two successive meetings, unless he is prevented by circumstances over which he has no control, may in the option of the board be declared vacant. Any vacancy in the board shall be filled in the same manner as herein prescribed for the original appointment. A majority of the members of the board shall constitute a quorum for the transaction of business and a majority vote of the members present at a meeting shall constitute a decision of the board.

Appeal to the board from any administrative order, action, or decision of forest officers pertaining to the grazing of livestock on a national forest or forests within the jurisdiction of the board may be taken by any recorded applicant, permittee, or recognized advisory board of a duly recognized livestock association. Decisions of the board will be final unless a minority opinion which shall be a complete statement of the points to which dissent is made and the reasons therefor, is filed with the district forester by one or more members of the board or the appellant within 20 days from the date of the board's decision, in which event the district forester will review the case and render a decision. If dissatisfied with the district forester's decision the board, or the dissenting members thereof, or the appellant, may then appeal in the manner prescribed by Regulation A-10.

Objects of Regulation.

This regulation is devised to:

- (a) Provide a board of disinterested, experienced, and qualified persons to whom complaints against the administrative decisions of forest officers may be referred.
- (b) Provide a board representative of livestock interests to which may be referred matters of general interest affecting the use of the ranges.
- (c) Provide a means by which a better understanding by permittees of policy, regulations, and requirements can be secured.
- (d) Develop local interest and responsibility in better range management.

- (e) Secure settlement of controversies where the issue is between individuals and does not involve questions pertaining to the proper administration of the physical resources of national forests.

When and How Boards May Be Created.

The district forester will ascertain the desires of permittees on all national forests as to whether they prefer a board for a national forest or for a group of national forests. This determination can be secured by circularizing the permittees on each national forest, by recommendations of advisory boards of duly recognized stock associations, or by personal interviews with a majority of the permittees. Immediately upon receipt of information from the majority of the permittees the district forester shall determine and define the area for which grazing boards shall be created. The jurisdiction of boards shall not overlap.

Selection of Members of Board.

On a local or forest board the forest supervisor shall be the representative of the Department of Agriculture and shall act as chairman of the board. In case of appeal from the decision of the supervisor the district forester shall appoint another representative of the department to act as chairman of the board. The district forester will appoint the representative of the Department of Agriculture on all boards for groups of national forests.

After a determination of the area for which boards shall be created the national forest permittees will be called upon to select their representatives. Where only one class of stock is involved, the representatives shall be selected by the permittees grazing it. In creating a forest board where both classes of livestock are grazed on the national forest, one representative will be selected by the permittees grazing sheep and the other by those grazing cattle. The same rule will hold in the case of boards for groups of national forests—two being selected by those grazing sheep and two by the cattle permittees. The representatives of the livestock interests may be selected by a direct vote of the permittees involved from a list of candidates nominated by (a) a petition signed by not less than 25 permittees, or (b) by the advisory boards of the duly recognized livestock associations where they exist on a forest or for the State as a whole.

Matters Which May be Referred to the Board.

In order to improve cooperative relations with the national forest permittees and to enable permittees to secure a better understanding of the regulations, policies, and requirements of

the Forest Service in grazing administration, forest officers should feel free to refer any matters to the board on which a difference of opinion may result. Such action will often prevent complaints in the future and will work toward more harmonious relations with stockmen and their acceptance of more responsibility in handling grazing matters.

Such questions as reductions in numbers of stock, changes in grazing seasons, construction of improvements, division of range between individuals, and other matters pertaining to the handling of livestock on the range are all important questions which may reasonably be referred to the grazing boards. All questions coming under the jurisdiction of an existing advisory board of a livestock association should be acted upon by such advisory board before their consideration by the grazing board. So far as possible, forest officers will attempt to secure settlement by the grazing board of controversies between individuals, where no issue is involved affecting the national forest policies or good range administration.

General questions, as well as specific complaints, may be taken up on the initiative of the board or may be referred to it by any party interested. However, orderly procedure ordinarily requires that such matters should first be submitted to the forest officer responsible for the administration of the range.

Procedure in Complaints.

Complaints against the administrative action of a forest officer should be filed with the chairman of the board within 20 days after the original decision is rendered. Upon receipt of a complaint, the chairman shall notify in writing each member of the board, the appellant, and the officer in charge of the national forest involved, setting forth the character of the complaint and the date, time, and place at which a hearing will be held. In cases where the facts submitted by the complainant or forest officers are insufficient to enable the board to render a decision, such investigation as may be necessary will be made by the members of the board and its decision rendered in writing. Any member of the board, or the appellant, who dissents from its decision and desires to appeal must within 20 days file with the chairman of the board a statement covering the points on which he dissents. The entire record will then be forwarded to the district forester, who will review it and render a decision. An appeal from the decision of the district forester may be taken in the manner prescribed in Regulation A-10. In the event a board fails to reach a decision within a reasonable time because of nonattendance or other reason, the chairman will notify the

appellant, who may then submit an appeal under Regulation A-10 at his option. Every effort should be made, however, to secure a prompt and definite settlement by a grazing board of all matters brought before it.

On forests where grazing boards have not been created or permittees may not wish to avail themselves of the services of such boards, the following procedure will govern:

APPEALS

Reg. A-10. An appeal may be taken from any administrative action or decision, by filing with the officer who rendered the decision, a written request for reconsideration thereof, or notice of appeal. Decisions of forest officers shall be final unless appeal is taken therefrom within a reasonable time. The decision appealed from shall be reviewed by the immediate superior of the officer by whom the decision was rendered; that is, in the following order: Supervisor, district forester, Forester, Secretary of Agriculture.

Unless the written notice of appeals contains an acceptable reason for allowing a longer time for the preparation of the case, the appellant shall file immediately a statement or brief setting forth in detail the respects in which the action or decision from which appeal is taken is contrary to or in conflict with the law, the regulations of the Secretary, or the determined facts. Upon receipt of such statement or brief the officer from whose action or decision the appeal is made shall prepare a statement or brief reviewing the case and presenting the facts and considerations upon which his action or decision is based. The two statements or briefs together with all papers comprising the record in the case shall then be transmitted to the officer to whom the appeal is made who will thereupon review the case and advise both the appellant and the subordinate officer of his decision.

In no case will an attorney be recognized in personnel matters.

Request for Consideration.

Any person adversely affected by the administrative action or decision of a forest supervisor may secure reconsideration of such action or decision by filing with the supervisor, within 10 days of receipt of notification thereof, a formal request for such reconsideration supplemented by material new evidence bearing upon the case. In such event the supervisor will examine the record carefully and if evidence upon material points is lacking will notify the appellant of the deficiency, advising him that he

will be given 10 days additional time in which to submit the missing evidence. The supervisor may extend the limit for submission of missing evidence if the conditions warrant.

Within 10 days from the date of the filing of the completed record the supervisor will prepare a formal decision, discussing each point of the appellant's statement, and stating clearly the regulations and reasons upon which his decision is based. This will be forwarded by registered mail to the appellant.

Appeals to the District Forester.

If a request for reconsideration of an action or decision is rejected by the supervisor, or if the supervisor's final decision is adverse, the appellant may appeal to the district forester by filing written notice with the forest supervisor within 10 days from the receipt of the registered notification.

In an appeal before the district forester, the appellant and the forest supervisor may each file an argument or brief reviewing the previous decisions and the evidence in the case. New evidence will not be admitted unless the appellant's request for the consideration of new evidence had been rejected by the supervisor, in which event the new evidence may be submitted to the district forester, and, if material, will be considered by him.

When an appeal is taken to the district forester, the supervisor will forward the complete record in the case to him for his consideration. When this is received, the district forester will review it and prepare a decision, which will then be sent by registered mail to the appellant, and a copy transmitted to the supervisor.

The supervisor's decision will not be reversed unless it is shown to be unwarranted by the facts, the regulations, instructions, or the law. When there is a variation in the statements of the supervisor and the appellant, but the preponderance of the evidence shows the supervisor to be justified in his action, he will be sustained.

Within 10 days from the receipt of the district forester's decision, an appeal to the Forester may be filed with the district forester.

Appeals to the Forester.

Where a case is appealed to the Forester the appellant may file one additional statement, reviewing the previous decisions and presenting the argument. The district forester will also file a statement. These two briefs, together with all papers in the case, will be presented to the Forester, and upon them his decision will be rendered.

Appeals to Secretary of Agriculture.

Appeals may also be taken to the Secretary of Agriculture from adverse decisions of the Forester. Any party availing himself of this privilege must, within 30 days from the time he receives notice of the Forester's decision, file with the Forester his petition for review by the Secretary of Agriculture. Upon receipt of the petition the Forester will submit all the papers to the Secretary.

Field Investigation.

A field investigation of an appeal case may be ordered by the district forester, the Forester, or the Secretary of Agriculture. The field examiner will submit a report which will be considered at the time the decision is rendered.

Examination of Records.

Copies of answers or reports will be furnished the appellant in the discretion of the deciding officer. The appellant or his authorized agent may inspect the record of the case in the office of the supervisor, district forester, Forester, or Secretary of Agriculture, but will not be allowed to remove any papers. Statements of witnesses which have been submitted can not be regarded as confidential if they are considered as testimony. The appellant should be given full knowledge of the material facts contained in such statements, and of the identity of the witnesses. Statements submitted in confidence and which must be treated as confidential can not be used as the basis for a decision.

GRAZING RECONNAISSANCE

Grazing reconnaissance is obtaining reliable data by a comprehensive, systematic survey of the grazing resources for use in the preparation of better plans for range management and administration.

GRAZING INVESTIGATIONS

Grazing investigations are conducted to determine the most efficient and practical means for conservation and use of the grazing resource of the national forests. They thus aid in the administration of the national forest and assist the permittees in handling their stock on the national forest ranges.

Investigations are conducted along the following lines:

1. Improvement of range by artificial reseeding.

2. Natural revegetation and methods of range management which insure perpetuation and maximum production of forage with a minimum loss through nonuse.

3. Distribution, life history, palatability, and economic importance of herbaceous and shrubby plants on national forest ranges, together with the development of herbaria and standardization of names of range plants.

4. Climatic characteristics of vegetation belts on certain forests.

5. Carrying capacity of national forest ranges.

6. Proper seasons for grazing national forest ranges.

7. Improved methods of handling stock under range conditions.

8. Distribution and development of stock watering places.

9. Grazing in relation to tree production, erosion, stream-flow, fire, and game, and to recreational and other uses of the national forest.

10. Eradication of poisonous plants.

GRAZING TRESPASS

REG. T-6. The following acts are prohibited on lands of the United States within national forests:

(A) The grazing upon or driving across any national forest of any livestock without permit, except such stock as are specifically exempted from permit by the regulations of the Secretary of Agriculture, or the grazing upon or driving across any national forest of any livestock in violation of the terms of a permit.

(B) The grazing of stock upon national forest land within an area closed to the grazing of that class of stock.

(C) The grazing of stock by a permittee upon an area withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the stock, after the receipt of notice from an authorized forest officer of such withdrawal and of the amendment of the grazing permit.

(D) Allowing stock not exempt from permit to drift and graze on a national forest without permit.

(E) Violation of any of the terms of a grazing or crossing permit.

(F) Refusal to remove stock upon instructions from an authorized forest officer when an injury is being done the national forest by reason of improper handling of the stock.

Removal of Stock.

Upon discovery of grazing trespass the owner of trespassing stock will be instructed to remove it at once, or, if the situation is urgent, the forest officer may remove the stock in any way that does not injure it physically.

A distinction is made between permitted stock and unpermitted stock.

Permitted stock may be removed from any portion of the forest not allotted to it, but the permit can not be revoked or the stock removed from the area allotted to it without authority from the district forester.

Forest officers may drive unpermitted stock from any portion of the forest upon discovery of its presence, or they may allow the owner or herder a reasonable time to remove it; but if he refuses to do so the person in charge of the stock may be arrested and the stock removed from the forest by the forest officers.

HUNTING AND FISHING TRESPASS

REG. T-7. The following acts are prohibited on lands of the United States within national forests:

The going or being upon any such land, or in or on the waters thereof, with intent to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, in violation of the laws of the State in which such land or waters are situated.

Statutes.

Prosecutions for game trespass are usually based on the violation of a State game law, or, more rarely, of regulation T-7. However, prosecution may be based on violations of any of the following Federal statutes: Act of January 24, 1905 (33 Stat., 614), establishing the Wichita Refuge; act of June 29, 1906 (34 Stat., 607), establishing the Grand Canyon Refuge; act of August 11, 1916 (39 Stat., 476), providing for the protection of game on purchased areas; the migratory-bird treaty act of July 3, 1918 (40 Stat., 755), and all regulations thereunder. The Criminal Code, section 84, provides for the protection of bird refuges. The act of February 6, 1905 (33 Stat., 700), gives forest officers certain powers of arrest.

What Constitutes Trespass.

Regulation T-7 makes it an offense to enter upon, or be upon, or use national forest land for purposes which would be in violation of Federal statutes or of the State fish and game laws.

The act of pursuing or taking or killing fish or game need not actually be committed to constitute a violation of the regulation, although such an act would be *prima facie* proof of the intention of the person or persons apprehended. This regulation gives opportunity to supplement the State procedure in preventing violations of the game laws, by bringing such offenses within the jurisdiction of Federal as well as State courts.

Authority of Forest Officers.

The source of authority of forest officers is important in circumscribing their authority as to arrests, seizures, investigations, and procedures.

The majority of offenses committed are violations of State fish and game laws and the authority of forest officers to act is derived from—(a) their commissions as game wardens, or (b) under the regulation. In the former case their jurisdiction is prescribed by the terms of their commission. In the latter case forest officers have authority only on national forest lands. While acting under authority of the act of February 6, 1905, their jurisdiction is limited to national forests and national parks.

REG. T-8. The following acts are prohibited upon any national forest lands embraced within the boundaries of a national game or bird refuge, preserve, sanctuary or reservation, established by or under authority of an act of Congress:

(a) Hunting, trapping, catching, disturbing or killing any kind of game or nongame animal, or game or nongame bird, or taking the eggs of any such bird, except when authorized by permit issued by, or under the authority of, the Forester.

(b) Carrying or having the possession of firearms, without the written permission of the forest supervisor or such other officer as he may designate.

(c) Permitting dogs to run at large, or having in possession dogs not in leash or confined.

(d) Camping without permit issued by a forest officer, except on areas designated as public camp grounds, or other areas which may be specifically excepted by the district forester.

IMPOUNDING OF LIVESTOCK

REG. T-11. Domestic livestock found trespassing on national forest land if not removed upon reasonable notice may be impounded by the Forest Service. If the owner of the stock is known, prompt written notice of the impounding will be given

him, and unless the stock be removed by the owner within five days from the receipt of such notice the stock shall be sold or otherwise disposed of as hereinafter prescribed. If the owner be not known, notice shall be given by publication for not less than 15 days in a newspaper of general circulation in the county in which the trespass occurs and concurrently by posting at the county courthouse. In either case the notice shall state when and where the stock was impounded, describe the stock by brands or other means of identification, and specify the time and place it will be sold in default of redemption by the owner. If the stock be not redeemed on or before the date fixed for its sale, it shall be sold at public sale to the highest bidder, or otherwise disposed of. The owner may redeem the stock by submitting proof of ownership and paying all expenses incurred by the United States in advertising, gathering, pasturing, and impounding it. Upon the sale of any stock in accordance with this regulation the forest officer shall issue a certificate of sale. Any stock impounded under this regulation which is offered at public sale and no bid received therefor, may, in the discretion of the forest officer, be sold at private sale or be condemned and destroyed.

Object of Regulation.

This regulation is provided as a supplement to existing trespass procedure to enable forest officers to meet the responsibility imposed upon them by law to adequately protect public property.

When Applied.

To the extent of available impounding facilities, this procedure will be applied in all cases where the ownership of stock is known and the owner is indifferent to the Secretary's regulations or to the requests of forest officers for removal, and where the application of existing procedure or of State laws is impracticable or ineffective.

Advertising.

If the owner of the stock is known to the forest officers or can be found by inquiry among local stockman, notice that the stock is in trespass shall be given him or his agent, either personally or by registered mail, and he shall have a reasonable length of time from the receipt of such notice within which to remove the

stock from the forest. If the ownership of the stock is unknown or can not be found upon inquiry among local stockmen, the stock will be advertised for a period of 30 days by at least three notices placed in conspicuous public places and by circulars to local stockmen describing the stock in trespass in as much detail as possible, and the intention of the Forest Service to take up, impound, and sell such stock unless removed from the forest within the time specified. In the event stock of either known or unknown ownership is not removed from the forest within the time specified, forest officers should proceed to round up and impound the stock. In the case of stock of known ownership, after it has been impounded the forest officer will notify the owner that he will be given five days in which to pay all costs and remove the stock from the forest or it will be sold to the highest bidder at public sale at the expiration of the five days. Public notice of intention to sell will be given by posting a notice in the forest supervisor's office and one in the post office nearest to the place of trespass. In cases of stock of unknown ownership notice shall be given by publication for not less than 15 days in a newspaper of general circulation in the county in which the trespass occurred and by posting a notice at the county courthouse. In cases of stock impounded of either known or unknown ownership the notices will state the area from which it was removed, when and where impounded, a description of the animals either by brands and marks or other means of identification, and specify the time and place of the sale.

In the event no bid is received at public sale of stock sold under the regulation, forest officers are authorized to sell it at private sale, or in case no private sale can be made, to dispose of the stock in the most humane manner possible. Should proof of ownership of impounded stock be presented before the expiration of the notice, the owner will be required to pay all expenses incurred in gathering, pasturing, advertising, and all other reasonable expenses incidental thereto. Upon payment of such amounts the stock will be released to the owner.

The settlement of all expenses incurred in impounding will not relieve the owner of obligation for damages or prevent institution of suit under existing trespass procedure for the collection of such damages.

NATIONAL FORESTS—HEADQUARTERS OF SUPERVISORS

[Letters should be addressed: Supervisor,——National Forest, etc.]

State	National forest district No.	Forest	Headquarters of supervisor
Alabama.....	7	Alabama.....	Columbus, Ga.
	7	McClelland.....	Do.
Alaska.....	8	Chugach.....	Cordova.
	8	Tongass.....	Ketchikan.
Arizona.....	3	Apache.....	Springerville.
	3	Coconino.....	Flagstaff.
	3	Coronado.....	Tucson.
	3	Crook.....	Safford.
	4	Kaibab.....	Kanab, Utah.
	3	Prescott.....	Prescott.
	3	Sitgreaves.....	Holbrook.
	3	Tonto.....	Phoenix.
	3	Tusayan.....	Williams.
Arkansas.....	7	Ouachita.....	Hot Springs, National Park.
	7	Ozark.....	Russellville.
California.....	5	Angeles.....	Los Angeles.
	5	California.....	Willows.
	5	Cleveland.....	San Diego.
	6	Crater.....	Medford, Oreg.
	5	Eldorado.....	Placerville.
	5	Inyo.....	Bishop.
	5	Klamath.....	Yreka.
	5	Lassen.....	Susanville.
	5	Modoc.....	Alturas.
	5	Mono.....	Minden, Nev.
	5	Plumas.....	Quincy.
	5	San Bernardino.....	San Bernardino.
	5	Santa Barbara.....	Santa Barbara.
	5	Sequoia.....	Porterville.
	5	Shasta.....	Mount Shasta.
	5	Sierra.....	North Fork.
	6	Siskiyou.....	Grants Pass, Oreg.
	5	Stanislaus.....	Sonora.
	5	Tahoe.....	Nevada City.
	5	Trinity.....	Weaverville.
Colorado.....	2	Arapaho.....	Hot Sulphur Springs.
	2	Cochetopa.....	Salida.
	2	Colorado.....	Fort Collins.
	2	Grand Mesa.....	Grand Junction.
	2	Gunnison.....	Gunnison.
	2	Hayden.....	Encampment, Wyo.
	2	Holy Cross.....	Glenwood Springs.
	4	La Sal.....	Moab, Utah.
	2	Leadville.....	Leadville.
	2	Montezuma.....	Mancos.

National Forests—Headquarters of Supervisors—Continued

State	National Forest District No.	Forest	Headquarters of supervisor
Colorado-----	2	Pike-----	Colorado Springs.
	2	Rio Grande-----	Monte Vista.
	2	Routt-----	Steamboat Springs.
	2	San Isabel-----	Pueblo.
	2	San Juan-----	Durango.
	2	Uncompahgre-----	Delta.
	2	White River-----	Glenwood Springs.
Florida-----	7	Florida-----	Pensacola.
Georgia-----	7	Benning-----	Columbus.
	7	Cherokee-----	Knoxville, Tenn.
	7	Nantahala-----	Franklin, N. C.
Idaho-----	4	Boise-----	Boise.
	4	Cache-----	Logan, Utah.
	4	Caribou-----	Montpelier.
	4	Challis-----	Challis.
	1	Clearwater-----	Orofino.
	1	Coeur d'Alene-----	Coeur d'Alene.
	4	Idaho-----	McCall.
	1	Kaniksu-----	Newport, Wash.
	4	Lemhi-----	Mackay.
	4	Minidoka-----	Burley.
	1	Nezperce-----	Grangeville.
	4	Payette-----	Emmett.
	1	Pend Oreille-----	Sandpoint.
	1	St. Joe-----	St. Maries.
	4	Salmon-----	Salmon.
	4	Sawtooth-----	Hailey.
	1	Selway-----	Kooskia.
	4	Targhee-----	St. Anthony.
	4	Weiser-----	Weiser.
Illinois-----	7	Savanna-----	Washington, D. C.
Kentucky-----	7	Knox-----	Knoxville, Tenn.
Maine-----	7	White Mountain-----	Laconia, N. H.
Maryland-----	7	Meade-----	Lynchburg, Va.
Michigan-----	2	Michigan-----	East Tawas.
Minnesota-----	2	Minnesota-----	Cass Lake.
	2	Superior-----	Ely.
Montana-----	1	Absaroka-----	Livingston.
	1	Beartooth-----	Billings.
	1	Beaverhead-----	Dillon.
	1	Bitterroot-----	Hamiton.
	1	Blackfeet-----	Kalispell.
	1	Cabinet-----	Thompson Falls.
	1	Custer-----	Miles City.
	1	Deerlodge-----	Butte.
	1	Flathead-----	Kalispell.
	1	Gallatin-----	Bozeman.
	1	Helena-----	Helena.
	1	Jefferson-----	Great Falls.
	1	Kootenai-----	Libby.

National Forest—Headquarters of Supervisors—Continued

State	National Forest District No.	Forest	Headquarters of supervisor
Montana -----	1	Lewis and Clark -----	Choteau.
	1	Lolo -----	Missoula.
	1	Madison -----	Sheridan.
	1	Missoula -----	Missoula.
Nebraska -----	2	Nebraska -----	Halsey.
Nevada -----	4	Dixie -----	Cedar City, Utah.
	5	Eldorado -----	Placerville, Calif.
	4	Humboldt -----	Elko.
	5	Inyo -----	Bishop, Calif.
	5	Mono -----	Minden.
	4	Nevada -----	Ely.
	5	Tahoe -----	Nevada City, Calif.
	4	Toiyabe -----	Austin.
New Hampshire -----	7	White Mountain -----	Laconia.
New Jersey -----	7	Dix -----	Browns Mill, N. J.
New Mexico -----	3	Apache -----	Springerville, Ariz.
	3	Carson -----	Taos.
	3	Coronado -----	Tucson, Ariz.
	3	Datil -----	Magdalena.
	3	Gila -----	Silver City.
	3	Lincoln -----	Alamogordo.
	3	Manzano -----	Albuquerque.
	3	Santa Fe -----	Santa Fe.
New York -----	7	Pine Planes -----	Browns Mill, N. J.
	7	Upton -----	Do.
North Carolina -----	7	Cherokee -----	Knoxville, Tenn.
	7	Nantahala -----	Franklin.
	7	Pisgah -----	Asheville.
	7	Unaka -----	Bristol, Tenn.
Oklahoma -----	2	Wichita -----	Cache.
Oregon -----	6	Cascade -----	Eugene.
	6	Crater -----	Medford.
	6	Deschutes -----	Bend.
	6	Fremont -----	Lakeview.
	5	Klamath -----	Yreka, Calif.
	6	Malheur -----	John Day.
	6	Mount Hood -----	Portland.
	6	Ochoco -----	Prineville.
	6	Santiam -----	Albany.
	6	Siskiyou -----	Grants Pass.
	6	Siuslaw -----	Eugene.
	6	Umatilla -----	Pendleton.
	6	Umpqua -----	Roseburg.
	6	Wallowa -----	Wallowa.
	6	Whitman -----	Baker.
Pennsylvania -----	7	Allegheny -----	Warren.
	7	Tobyhanna -----	Browns Mill, N. J.
Porto Rico -----	7	Luquillo -----	Rio Piedras.
South Carolina -----	7	Jackson -----	Columbus, Ga.
	7	Nantahala -----	Franklin, N. C.

National Forest—Headquarters of Supervisors—Continued

State	National Forest District No.	Forest	Headquarters of supervisor
South Dakota	2	Black Hills	Deadwood.
	1	Custer	Miles City, Mont.
	2	Harney	Custer.
Tennessee	7	Cherokee	Knoxville.
	7	Pisgah	Asheville, N. C.
	7	Unaka	Bristol.
Utah	4	Ashley	Vernal.
	4	Cache	Logan.
	4	Dixie	Cedar City.
	4	Fishlake	Richfield.
	4	La Sal	Moab.
	4	Manti	Ephraim.
	4	Minidoka	Burley, Idaho.
	4	Powell	Widtsoe.
	4	Uinta	Provo.
	4	Wasatch	Salt Lake City.
Virginia	7	Eustis	Lynchburg.
	7	Humphreys	Do.
	7	Lee	Do.
	7	Monongahela	Elkins, W. Va.
	7	Natural Bridge	Lynchburg.
	7	Shenandoah	Harrisonburg.
	7	Unaka	Bristol, Tenn.
Washington	6	Chelan	Okanogan.
	6	Columbia	Portland, Oreg.
	6	Colville	Republic.
	1	Kaniksu	Newport.
	6	Mount Baker	Bellingham.
	6	Olympic	Olympia.
	6	Rainier	Tacoma.
	6	Snoqualmie	Seattle.
	6	Umatilla	Pendleton, Oreg.
	6	Wenatchee	Wenatchee.
West Virginia	7	Monongahela	Elkins.
	7	Shenandoah	Harrisonburg, Va.
Wyoming	4	Ashley	Vernal, Utah.
	2	Bighorn	Sheridan.
	2	Black Hills	Deadwood, S. Dak.
	4	Caribou	Montpelier, Idaho.
	2	Hayden	Encampment.
	2	Medicine Bow	Laramie.
	2	Shoshone	Cody.
	4	Targhee	St. Anthony, Idaho.
	4	Teton	Jackson.
	2	Washakie	Lander.
	4	Wyoming	Kemmerer.

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